THE TRANSFER OF POWER IN INDIA

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BY

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PREFACE

This is a description of, and a commentary upon, the negotiations leading up to the transfer of British power in India to the two States of India and Pakistan on August 15th, 1947. I have concentrated upon developments of All-India concern in the political and constitutional fields: and my sources have been the material published at the time, such as White Papers, Parliamentary debates, resolutions of Indian political parties, speeches and statements by Indian political leaders, Press comments, etc.

I should like to emphasise two consequences which follow from the limited nature of what I have set out to do. First, I have made no attempt to estimate the inter-action between, on the one hand, the events I have narrated and, on the other, Indian public opinion (if there is such a thing) or any section of it. This I would be quite unqualified to do owing to my lack of first-hand knowledge of the country and its people. I have, in fact, hardly gone beyond the official reactions of the major political parties, and have barely touched upon the highly controversial question how far these parties were supported outside the very restricted electorate. But enough has, I think, been said in Chapter I to indicate why the actions and policies of Congress and the Muslim League were of the highest importance—an importance which did not depend solely upon the extent to which they could justly claim to represent the Hindu and Muslim masses.

Secondly, I have treated these parties very much as corporate personalities, and can throw little light either on their internal politics or on the roles of individual leaders in determining party policy. Similarly, I have in the main treated 'the British' as a single entity, seldom even distinguishing the respective contributions of Whitehall and New Delhi. The material for doing this of course consists of secret correspondence, etc., which will not be available to the student for many years to come.

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CHAPTER I

THE BACKGROUND

IN THE reaction of the Asiatic peoples to Western expansion during the last century and a half, three phases can, very broadly, be distinguished. In the first, the traditional order hits back blindly at the foreign influences which threaten it, and which are feared all the more because only vaguely understood: the forces of custom and fanaticism are mobilised in a Boxer Rebellion, an Indian Mutiny or an anti-foreign movement such as followed Commodore Perry's minatory opening-up of Japan in 1853. The second phase begins when the foreign influences have infected the educated minority with western ideas of nationalism and liberal democracy; then the new intelligentsia comes into conflict with its overlords on the question of how far and how fast this exotic political philosophy should be applied to its own country. But as yet, though it may claim to speak for the nation as a whole, it concentrates on political objectives which may be expected to bring benefit mainly to its own class; the masses remain unaffected. Then, as industrialism and the doctrines of social democracy spread from the West, there grows the belief that if political democracy is to be genuine, it must be accompanied by radical economic changes. In Socialism, the second and third phases are blended. In Communism, which follows it, the emphasis has completely shifted from the political to the economic aspect of life: a section of the educated minority works tirelessly to bring the peasants and factory workers into action against the landlords and capitalists. For now the antagonist is no longer only the foreign invader, but an economic class including natives as well as foreigners. But none the less the Communist phase, like its predecessors, is essentially a reaction against the West; for Communism, though originally a product of western industrial society, preaches that the West is the home of capitalism, a system unsound,

corrupt and doomed to destruction. Hence all the ideas and institutions of the West being, according to Communist theory, the product of its vicious economy, must be uncompromisingly rejected.

In India all the three phases have appeared at various times. Hindu and Muslim traditionalism resisted vigorously whenever British rule, departing from its normal policy of neutrality in religious matters, did anything to disturb them. The educated middle class, the motive force of the second phase, has provided the leadership, and a great part of the membership, of the political parties. More recently Socialism and Communism appeared, trying in vain to prevent the national movement from splitting irrevocably on communal lines. Yet Gandhi, the greatest figure in the movement, cannot be fitted into any academic classification. At once traditionalist and innovator, the self-confessed opponent of modern civilisation who nevertheless became the leader of a nationalist movement essentially typical of its age, the propagandist who appeared in the villages as a blend of saint, politician, and sanitary reformer, he combines in his personality some of the characteristics of each phase.

But although in the Indian reaction all the three phases have been intermingled, the second has beyond doubt played the most important part in the rise of the two nationalisms which have developed into the States of India and Pakistan. In the story of the transfer of power, which is told in the following chapters, the educated middle class monopolise the principal roles, whether as individuals or parties; the vast mass of the people is merely passive, except in times of unusual excitement. Admittedly, the educated middle class amounts to no more than a small minority of the population. But those who sneer at them on this account seriously underestimate both the value to their British rulers of the support, or acquiescence, of these people and, more generally, the capital importance of education as a social force. It was the advance of education that enabled similar classes to have such a vast influence on the modern history of Europe and America. Like their French prototype at the time of the Revolution, the middle classes in

India were content neither to be ignored nor, as time went on, to co-operate in a subordinate capacity with the British or with a rival community. They demanded nothing less than the sovereign position in the State.

The British response to these varied phenomena was, up to 1917, perplexed, hesitant and at times confused. During the first half of the nineteenth century British statesmen and officials were quite ready to acknowledge that in the long run Indian self-government and even independence were inevitable. In 1818, for instance, Lord Hastings, the Governor-General, even while conducting a policy designed considerably to extend British rule, looked forward to 'a time not very remote . . . when England will, on sound principles of policy, wish to relinquish the domination which she has gradually and unintentionally assumed over this country and from which she cannot at present recede'. But after the Mutiny, in the atmosphere of imperial pride and of competition for markets and fields for investment, this vision of the future became much less clear. When at length the British began to seek ways of associating Indians with the tasks of government, their policy in this respect was at variance with the educational policy which they had followed since Macaulay's famous Minute of 1835. On the one hand the schools and universities which they founded ignored Indian history and culture in favour of education on the English system and through English as the medium of instruction: and so young Indians were taught to admire the ideas and institutions of Western parliamentary democracy. On the other hand such deliberative or advisory bodies as they established, though these involved the introduction to India of the hitherto unknown devices of representation and election, seemed evidence of a desire not so much to import Western institutions as to build on the indigenous foundation of the *durbar*, or audience, whereat Indian rulers through the centuries had been accustomed to consult their notables and listen to grievances. Even the Morley-Minto reforms of 1909 were in effect an attempt to meet the Indian politicians' demand for Parliamentary institutions by a system of enlarged *durbars* with somewhat wider powers than before. It was

only in 1917 that the British Government, yielding to nationalist feeling in India and liberal pressure at home, declared their policy to be 'the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire'. Here was the beginning of a policy which Britain can claim credit for having followed consistently and faithfully right up to the eventual transfer of power. Two years later the Government of India Act of 1919 remodelled the Central Legislature, giving a wider application to the principles of election and representation: while in the Provinces it partially introduced the principle of ministerial responsibility by entrusting certain departments of government to Indian ministers responsible to the Provincial Legislatures.

But if the British Government was slow to face the implications of the spread to India of Western political ideas, some of the leaders of the Muslim community were more prescient. Already in 1909, if not earlier, they had foreseen that the development of representative institutions would eventually lead to the introduction of a fully-fledged parliamentary system on the British model. Their alarm at this prospect was due to their recognition that it would mean government by ministers responsible to the elected representatives of the majority; and in Indian conditions, they argued, majority rule would be in effect the rule of the Hindu majority, with the Muslim minority in perpetual subordination.[1] In 1909 therefore they asked for and obtained safeguards in the form of separate electorates from which Muslims, and they alone, would elect representatives to seats reserved for their community. This, of course, was radically inconsistent with any comprehensive notion of democracy, embracing as it should not only the principle of majority rule but also the complementary principle that minorities must feel assured of fair treatment at the hands of the majority.

This concession to the Muslims of separate electorates marks

[1]Figures of the population strengths of the various communities, according to the 1941 census, are given in the Appendix. It will be seen that Muslims then numbered some 92 millions out of a total population of some 389 millions.

the beginning of the Hindu-Muslim conflict in its twentieth-century form of a struggle for political power. Some foreigners, and even some Indians, have taken it at its face value as a religious conflict, such as the world has hardly seen for over two centuries. It is true that even in recent years religion has played an important part. The Hindu and Muslim faiths stand in sharp contrast, not merely in doctrine and worship but in the elaborate social systems of which each is the centre and which govern daily life in so many things from food and dress to marriage and inheritance; and all this has created a perennial cleavage in Indian society. Religious feeling was certainly an invaluable auxiliary in the Muslim League's rapid rise from 1937 onwards; and in the last years before the transfer of power the cry 'Islam in danger' played a tremendous part in whipping up the mass support for the League which enabled it to capture the north-west. With the religious element in the conflict is associated an historical element; the Hindus look back to the Maurya and Gupta Empires, the Muslims to the Mogul Empire, which was founded on invasion and conquest. Nor must the economic element be ignored. The Hindus, with their traditional aptitude for business, were better equipped than the Muslims to take advantage of the industrial and commercial revolutions when these reached India. Similarly they were more ready to adapt themselves to the alien system of education and were accordingly more successful in the competition for posts in the administration as these were thrown open to Indians by the British.

But if religion, history and economic competition were the only ingredients in the Hindu-Muslim conflict of the twentieth century, it would be hard to explain why during the previous century, in spite of sporadic communal riots and a certain amount of bickering, the two communities had on the whole lived fairly peacefully side by side. The reason is of course that the political element had not yet been injected into the conflict. The Government, neither Hindu nor Muslim, would arbitrate in the religious quarrels of the two communities; but its neutrality was the result of its being both alien and autocratic, and there was no question

of its ceasing to be either in the foreseeable future. Hence the communities had nothing political to quarrel about. India was in fact a country without politics, or at least without party politics.

But this state of affairs could endure only so long as Indian nationalism had not become strong enough to win from the British at least the promise of self-government. As soon as there was any prospect of even a limited transfer of power, there arose the question of who would inherit the power the British would be relinquishing.

There was one obvious claimant. The Indian National Congress had been founded in 1885 as a focus for political discussion; though its members were Indian, it had owed its inspiration largely to a group of Englishmen and had at first enjoyed a certain amount of official approval. But before long it became the most influential opponent of the Government; the foremost embodiment of Indian nationalism, it was aspiring to be its sole representative. Its aim was in fact to present the British with its demands, first for extended self-government and since 1921 for complete independence, as the demands of the whole Indian people; it would be a vast umbrella, sheltering people of all castes and creeds, of all shades of opinion on domestic political and economic issues. And in this aim it achieved a high degree of success, notably in avoiding being diverted from its nationalist objectives by internal dissensions on economic policy. It recruited big business men, who subsidised it and helped to provide it with a press: smaller business men and professional men, great and small: out-and-out Gandhians who rejected industrialisation and sought to return to the primitive self-supporting village community; Communists, until they finally broke with it in 1945; and Socialists—though since the coming of independence they too have separated. The strength and cohesion of the party must have surprised even its members, who used to foretell that, since the demand for independence was all that kept it together, so soon as the British withdrew it would split into right and left wings, after the European fashion, on questions of economic organisation. However, events have shown that these prophets were too modest. So far as the

Indian Republic is concerned, Congress has proved to be the real inheritor of the British power, and still dominates the government and political life of the country. The elections of 1952 have shown that the operation of universal suffrage under the new Constitution has not as yet seriously shaken its position of supremacy.

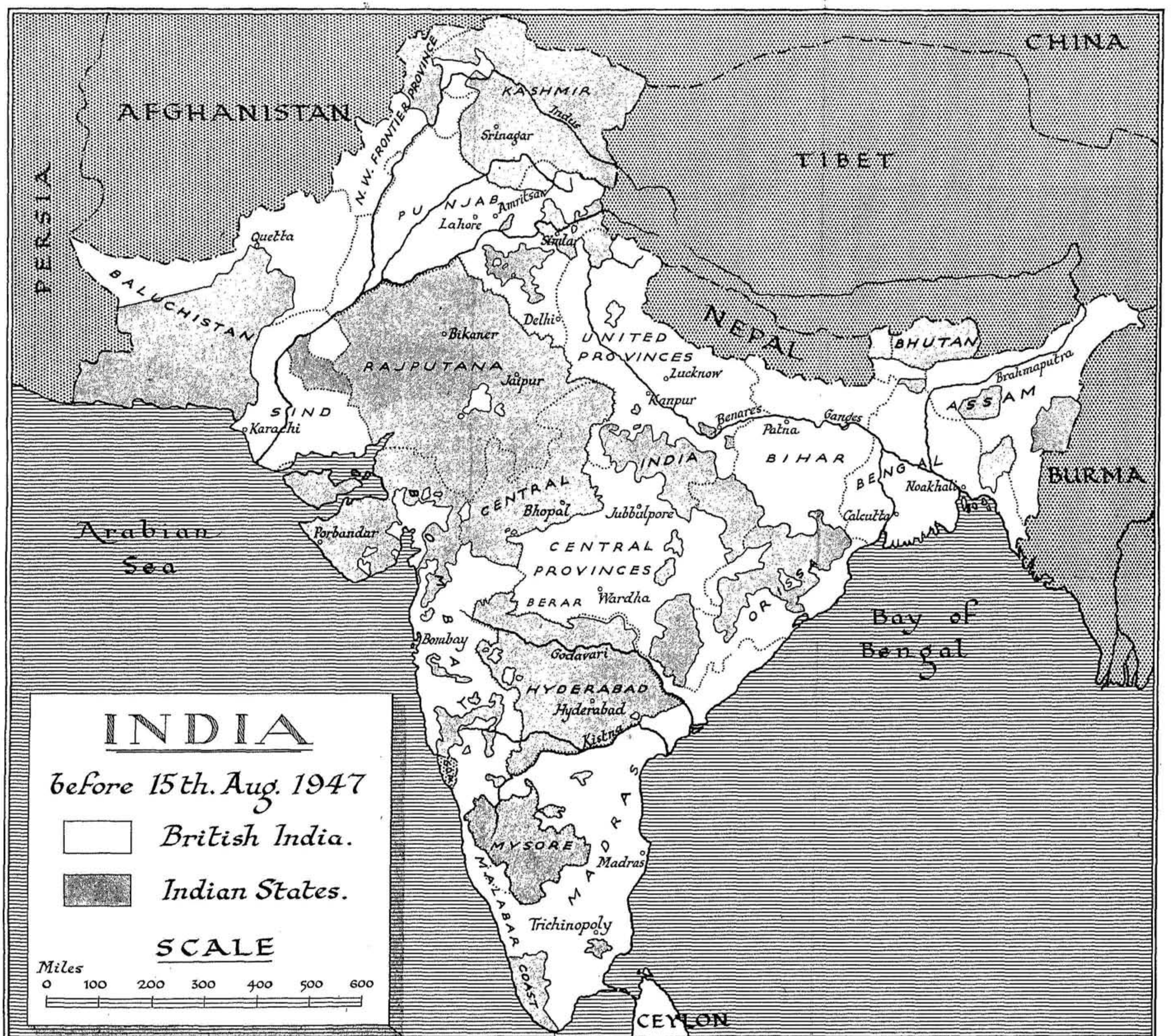
But, paradoxically, the success of the Congress party in maintaining so monolithic a unity may to some extent be due to its greatest failure—its failure to attract to its ranks the mass of politically-minded Muslims. For it has been kept together by the need for a united front not only against the British but, latterly, also against the Muslim demand for Pakistan and eventually against Pakistan itself.

Early in the life of Congress it became evident that it was a predominantly Hindu organisation and that Muslims distrusted it. Only a small proportion of those who attended its sessions were Muslims, and some Muslim organisations declined its invitations to send delegates. However, it was not until 1906, just over twenty years after the founding of Congress, that the All-India Muslim League was created. By then it was not only the growing influence of Congress that had made Muslims apprehensive; the extension of representative institutions, if not of some measure of genuine self-government, was in the air. This, as we have seen, was to produce the successful Muslim demand for separate electorates at the time of the Morley-Minto reforms.

There was, indeed, a period when Congress and the Muslim League made a determined effort to resolve their differences in expectation of constitutional changes after the First World War. The pact between the two parties concluded at Lucknow in 1916 contained an agreed outline of the next instalment of self-government, in which Congress for the first and only time accepted the principle of separate electorates. And directly after the war there came what Gandhi welcomed as 'such an opportunity of uniting Hindus and Muhammadans as would not arise in a hundred years'. This was the Caliphate movement of protest against the threatened dismemberment of the defeated Turkish Empire and

against the threatened dethronement of the Sultan of Turkey from his position as Caliph of the Islamic world. Gandhi boldly swung Congress into supporting Muslim feeling on this issue, a noncooperation campaign was launched, and for nearly two years Congress and Muslim League agitated together on behalf of the movement. The alliance was broken, however, when the Turks under Kemal Pasha made it clear to the world that they wanted neither Empire nor Caliphate, but simply a strong, compact and secular state inhabited exclusively by people of the Turkish race.

Moreover Congress was now becoming increasingly identified with a body of ideas and a political technique which the Muslims felt to be characteristically Hindu—the ideas and technique of Gandhi. There were the cult of the spinning-wheel; the use of fasts for political ends; the legalistic methods of negotiation; the insistence on the uplift of the Untouchables—the outcastes of Hinduism; all these had their roots in an India which had existed for ages before the coming of the Muslim conquerors. Politics of the Gandhian school, dealing so largely in gestures and symbols, were too amorphous and subtle for Muslims with their creed of simple assertions. Above all there was the emphasis on non-violence. When campaigns of noncooperation were launched, Congressmen were exhorted to eschew rigorously all methods which involved, or might lead to, violence. Muslims, though they had participated in the first noncooperation campaign in 1920, which was undertaken largely in support of the Caliphate movement, could hardly be expected to be content in the long run with a method so alien to the warlike traditions of Islam. From the Congress civil disobedience campaigns at the beginning of the 'thirties Muslims for the most part stood aloof. Nevertheless there were always a number of Muslim members of Congress; and in the North-West Frontier Province, where the Muslims formed so large a majority that the threat of Hindu domination had no reality for them, Congress, under the leadership of Abdul Ghaffar Khan and his brother Dr. Khan Sahib, won a large following among Muslims.


INDIA
before 15th. Aug. 1947
British India.
Indian States.
SCALE
Miles
0 100 200 300 400 500 600
CHINA
AFGHANISTAN
PERSIA
TIBET
KASHMIR
Indus
Srinagar
N. W. FRONTIER PROVINCE
PUNJAB
Amritsar
Lahore
Simla
Quetta
BALUCHISTAN
Delhi
NEPAL
BHUTAN
UNITED PROVINCES
Lucknow
Kanpur
Benares
Patna
Ganges
Brahmaputra
ASSAM
BURMA
Bikaner
RAJPUTANA
Jaipur
SIND
Karachi
CENTRAL INDIA
Bhopal
Jubbulpore
BIHAR
BENGAL
Noakhali
Calcutta
Arabian Sea
Porbandar
CENTRAL PROVINCES
BERAR
Wardha
ORISSA
Bay of Bengal
BOMBAY
Bombay
Godavari
HYDERABAD
Hyderabad
Kistna
MYSORE
MADRAS
Madras
MALABAR COAST
Trichinopoly
CEYLON

The main reason for the widening of the rift between the political parties was the growing antagonism between Hindus and Muslims which anticipated and accompanied the gradual handing over to Indians of some of the political power hitherto in British hands. A symptom of this was the increase in the number and severity of communal riots during the twenties. Then came the long process of working out a new constitution—the Simon Commission, the Round Table Conference, the Joint Select Committee of Parliament and finally, the fruit of them all, the Government of India Act of 1935.

This new constitution sought to do two main things—first, to set up a Federation of India, in which the British Indian Provinces and the Princely States should participate in a common central government with the Viceroy at its head assisted by a Council of Ministers, all but two (Foreign Affairs and Defence) responsible to the Legislature: and, second, to establish in the eleven Provinces autonomous governments under Ministries wholly responsible to elected Legislatures.

The first of these objects was never attained. Negotiations for the entry of the Princes into the Federation were protracted, they were interrupted by the outbreak of war in 1939, and were never resumed. The 562 States covered two-fifths of the area of India and contained roughly one quarter of her population. Their political and constitutional position was governed by the peculiar relations between their Rulers and the British Government, based partly on treaties and undertakings and partly on convention. In practice, however, the fact that their territories were intermingled with those of the British Indian Provinces—which had led to a complex of agreements between British and Princely India on such matters as communications, taxation and currency—made it inevitable that their political future should be indissolubly linked with that of the remainder of the country; and for this reason it was to become increasingly clear, as the negotiations leading up to the establishment of independence progressed, that their role in deciding India's constitutional destiny was to be secondary in importance to that of the British Indian political

parties. The problem of the States will be discussed at length in a later chapter. Here it is sufficient to stress the difficulties which faced the British Government and the Viceroy in the negotiations surrounding the Act of 1935. The Federation would involve yoking together the Princes, with their autocratic governments and their well-founded distrust of Congress as hostile to their regimes, and Congress, which was entrenching itself in the governments of most of the British Indian Provinces, which distrusted the Princes as undemocratic and anti-national, and which was actively supporting the agitation for the extension to the States of responsible government. No doubt the British Government was attracted by the prospect that in the Federal Legislature the States representatives, who would be nominees of the Princes, would provide a conservative bloc to counterbalance Congress. But it must also be borne in mind that Britain was bound by treaties with the Princes, some dating back to the early days of British expansion. So long as she remained the Paramount Power in India she was obliged to honour her undertakings to the Princes to protect their domains from internal or external attack. That she could at this stage have done otherwise can be maintained only by those who accept the thesis, so often implicit in political controversy, that past pledges can be disregarded if they come into conflict with current ideologies, one's own or somebody else's.

The result of the breakdown of the federal negotiations was that in the Central Government the constitution of 1919 continued in force. That is to say, the Central Legislature, elected on a very narrow franchise, could be overruled by the Viceroy, to whom alone the Executive Council, consisting of his nominees, was responsible; and the Viceroy remained under the ultimate direction and control of the Secretary of State and Parliament.

The second great object of the Act of 1935, unlike the first, was realised; the Provincial Governments were freed, except for certain specified purposes, from the control of the Central Government, and all their departments were placed under the control of Indian Ministers. Thus for the first time substantial power was

transferred from British to Indian hands. But the Act also entrusted to Provincial Governors—all of them British—discretionary functions and special responsibilities which, if freely used, would have given them plenty of opportunities of interfering in day to day administration. From the first these 'safeguards', as they were called, were bitterly attacked by Indian nationalists.

The question of separate electorates had been one of the most contentious issues at the Round Table Conference: the representatives of the Muslims and the other minorities had pressed for this form of protection, while Gandhi, as Congress representative, had refused to agree to any separate electorates at all. In the event the British Government had had to arbitrate, making a Communal Award which was afterwards incorporated in the Act. This not only retained separate electorates for Muslims but extended the system to include Sikhs, Anglo-Indians, Indian Christians and Europeans. The Award also gave separate electorates to the Scheduled Castes (Untouchables), but this was vigorously opposed by Gandhi, who undertook a fast in protest: eventually a compromise scheme was agreed upon. And so the introduction of separate electorates for the Muslims in 1909 had encouraged other communities to demand them also, thus accentuating the cleavages in Indian society; while Pakistan was to be a monument to the failure of this ill-fated device adequately to safeguard the interests of the most numerous and powerful of the minorities it was designed to protect.

The attitude of Congress towards the Act was one of militant hostility, and it was in this mood that it entered upon the election campaign for the new Provincial Legislatures. Congressmen, it was declared, would go into the Legislatures 'not to co-operate in any way with the Act, but to combat it and seek the end of it'; whether they would accept office would be decided only after the elections. Yet since the acceptance of office was not ruled out, the party also put forward a comprehensive programme of social reform. On this platform, and because its members were well organised and energetic, Congress won a striking victory. In five Provinces it gained a clear majority of seats, in three more it

was the strongest party in the Legislature. These eight Provinces consisted of the seven in which Hindus were in a majority in the population and the North-West Frontier Province. The three Provinces in which Congress was unsuccessful were Bengal, the Punjab and Sind, in all of which a majority of the population were Muslims.

In these three Provinces and in Assam, where Congress was the strongest party but had no absolute majority, Ministries were formed in which Congress did not participate. In the remaining seven Provinces Congress was invited to take office, but in each case it declined to do so until the Governor had given an assurance that he would 'not use his special powers of interference or set aside the advice of his Ministers in regard to their constitutional activities'. For the Governors to have agreed to this would have amounted to pledging themselves to disregard the relevent provisions of the Act—those dealing with the safeguards. The deadlock thus created dragged on from the spring to the summer of 1937, but was ended, ostensibly by a statement from the Viceroy explaining how it was intended that the safeguards should be used in practice, but in reality because both sides had strong reasons for wishing to end it. The bulk of Congressmen saw that provincial autonomy under the Act offered them substantial power, and that acceptance of office would enable them to carry out their programme of social reform; while on the British side there was anxiety that, if only for reasons of prestige, the new scheme should not break down at the outset. The upshot was that Congress formed Ministries in seven Provinces.

The unanimity with which the various Provincial Congress parties acted on this question was characteristic of their conduct throughout their period of office. They worked, in effect, under the direction of the Congress Working Committee—generally referred to as the 'High Command'. Congress has frequently been criticised for this practice, which was certainly at variance with democratic principle since the Congress Provincial Governments were responsible not simply to their Legislatures but also, and perhaps mainly, to the High Command. But Congress could

urge in justification that inasmuch as it was not possible for it to gain control of the Central Government, this unity of direction by the party machine was a necessary substitute, besides fulfilling the essential purpose of ensuring that the great objective of independence should neither be lost sight of nor compromised.

The Congress Provincial Governments, thus acting in concert, did little to carry into effect their declared aim of working for the breakdown of the Act of 1935: instead they devoted themselves to their programme of reform. In the event the safeguards were only twice brought into public and formal operation during the period of almost two years that Congress was in office. But their practical importance cannot be judged by this alone, as there may have been other occasions, never made public, when the Governors made formal or informal use of them, while Ministers must have been constantly influenced by the knowledge that these powers were held in reserve.

The Muslim League had also fought the elections on the issue of Indian freedom and opposition to the Act. Its election manifesto had been studiously conciliatory to Congress, and was clearly a bid to revive the co-operation of the period which had opened with the Lucknow Pact of 1916. That this policy was recognised in Congress circles is shown by the reference in Pandit Nehru's autobiography, published in 1937, to Jinnah, the League's President, as 'the ambassador of Hindu-Muslim unity'. But the League, though the strongest minority party, was at this time only one of a number of groups into which politically minded Muslims were divided; and it had not done particularly well in the elections. Hence there was no inducement for Congress, after its great victory, to respond to the League's overtures and enter into coalitions with it, even in Provinces where the proportion of Muslims was substantial. On the contrary, it saw its victory as an opportunity to strengthen its position as the sole and exclusive embodiment of Indian nationalism. It decided therefore not to form coalitions with the League, or indeed with any other party; and members of the League were only admitted to office in

Provinces where Congress ruled if they renounced their separate identity and joined Congress.

It was natural, in the light of the election results and of its own traditions, that Congress should adopt this policy: and the subsequent course of events was so rapid and so unexpected that Congressmen persistently refused to recognise its significance. They themselves followed up their exclusive policy in the formation of Ministries by a 'mass contact' campaign to win over Muslim villagers by promises of agrarian reform. These two moves, the second of which was of course highly distasteful to Muslim landowners, produced a prompt and vigorous reaction which is one of the most remarkable political phenomena of modern times. By October 1937 Jinnah had abandoned his policy of trying to co-operate with Congress and was denouncing its policy as exclusively Hindu. Under his energetic and unchallenged leadership, the numbers, organisation and propaganda of the Muslim League suddenly began to increase by leaps and bounds; the Muslim Premiers of the Punjab, Bengal and Assam all declared for it. The policy of the Congress Governments had the effect of intensifying Muslim fears. Just as the Congress party had already become permeated with the ideas and methods of Gandhi, so now the same philosophy began to colour the policy and administration of the Governments which Congress controlled. The cry was raised that Muslim religious and cultural solidarity was in danger. Muslims complained that Congress was rapidly setting up a Hindu dictatorship, in which there was discrimination against Muslims in religious, administrative, economic and all other matters: atrocity stories were circulated and believed: communal riots increased. No doubt there were a number of cases of greater or less importance where local Congress bosses or Congress-minded government officials acted unfairly, or tactlessly emphasised those aspects of the policy of their party or their government which were most likely to give offence to Muslims: and the Congress educational policy certainly had a marked Hindu and Gandhian bias. But the Congress Ministers themselves seem to have made great efforts to be fair to all the minorities.

After all, it was their party's policy to discourage communal feeling as much as possible, so that all communities might unite on a national and secular platform under the Congress banner. Hence there was no question of an organised persecution of Muslims. Rather was Hinduism instinctively doing as it had always done—gradually absorbing a foreign faith which had established itself on Indian soil. True, Islam had maintained its separate identity in India for several hundred years. But during those centuries the Muslims had been at first victorious invaders and later fellow subjects with the Hindus of the British. Now at last the Hindus had recovered something of their ancient power; and automatically they began to mould everything to their own way of life, so that it seemed to Muslims that unless the process were checked the whole structure of their own religion and culture would be undermined.

By July 1938 Jinnah felt strong enough to claim that the League represented all the Muslims of India. Following the example of Congress, the League soon began to insist that all Provincial Muslim League parties should work under the direction of its High Command; like Congress, it felt the need to ensure full co-ordination of policy on the supreme issue of the future constitution. Here also it changed its front. It had originally opposed the federal scheme on the same ground as Congress, namely that it fell short of full self-government; now it opposed it on the ground that it would extend Hindu domination from the Congress Provinces to the Centre. And with political domination would go economic domination, for Hindus already controlled the greater part of Indian trade and industry and their political power would enable them to strengthen their grip.

What then was the remedy? In Muslim eyes the experience of Provincial autonomy under Congress Governments had shown that, even with the British in partial control, constitutional safeguards were ineffective; Muslims contended that neither separate electorates nor the Governor's special responsibility for the protection of minorities had sufficed to ensure them a fair deal. From this they concluded, first, that Western democratic machinery,

even with modifications which ran counter to its basic principles, was entirely unsuited to India with her heterogeneous population; and, second, that where a Hindu majority was in control no guarantees provided by any conceivable constitution would be effective protection for the Muslim way of life. Logically, there was but one alternative—that the Muslims should separate themselves from the Hindus in a State of their own. Various schemes had been propounded for the establishment within India of a Muslim State or States, wholly or largely independent of the remainder of the country; but the bulk of the Indian Muslims had regarded these as the dreams of cranks and extremists, and had assumed that India must remain united. Now the League began to examine these schemes seriously, and finally in the spring of 1940 it declared for the partition of India so that the Muslim majority areas, such as those in the north-west and north-east, should become independent States.

And so Pakistan became the official objective of the Muslim League only seven and half years before it became a reality. Henceforth, just as Congress aimed at uniting all communities behind the demand for independence, so the League aimed at uniting all Muslims behind the demand for Pakistan: and henceforth its fundamental article of faith was that Muslims were no mere minority in India but a separate nation and were therefore entitled to the right of self-determination. It was by incessantly reiterating these simple propositions, and almost invariably saying 'No' to anything else, that Jinnah and the League achieved Pakistan.

The League hesitated for some time before making an authoritative pronouncement on how it considered the boundaries of Pakistan should run; but eventually it laid claim to the North-West Frontier Province, the Punjab, Sind and Baluchistan on the north-west and Bengal and Assam on the north-east. These were all Muslim-majority Provinces except Assam, which was included owing to its geographical situation; while in spite of the overall Muslim majorities in the Punjab and Bengal, each of these Provinces contained large areas in which Muslims were in a minority.

Meanwhile the war had broken out and a proclamation by the Viceroy had made India a participant; the method was constitutionally correct but politically unimaginative. Indians now had to decide their attitude to this new development, and in doing so they were inevitably guided by their own party aims and policies as well as by the rights and wrongs of the dispute. The Princes at once declared their support for the British cause; so did various other parties, interests and individuals. So did the Ministries of the Punjab, Bengal and Sind, the first two of which were now largely associated with the Muslim League. Jinnah and the League High Command, however, at first temporised and later made their support for the war effort dependent upon an assurance that Muslims alone should decide their own constitutional future. Meanwhile individual Leaguers were not debarred from helping Britain. Congress for its part proclaimed its sympathy with democracy and freedom, but declined to associate itself with a cause which professed these ideals so long as freedom was in fact denied to India. Its official pronouncements professed almost equal hostility to Fascism and British imperialism. It might, however, reconsider its refusal to co-operate with Britain provided that she renounced her imperialism by giving India freedom. On October 10th 1939 the All-India Congress Committee resolved that 'India must be declared an independent nation, and present application must be given to this status to the largest possible extent'. It was not until 1942 that it became apparent exactly what these last words implied. Meanwhile, and at all times, Congress insisted that the future constitution of the country must be determined by a Constituent Assembly, deliberating without interference from Britain. This was the only 'adequate instrument for solving communal and other difficulties'. From Gandhi downwards Congress leaders incessantly reiterated the thesis that if only the British would leave the country, Indians would have little difficulty in working out solutions for the problems which now divided them. Yet, ominously enough, talk of a possible civil war became increasingly frequent.

On failing to receive a declaration of British intentions which

satisfied its demands, the Congress High Command in October 1939 called upon the Congress Provincial Ministries to resign. The Governors of these Provinces, being unable to find alternative Ministries which could command majorities in the Legislatures, took over the administration themselves under the section[1] of the 1935 Act which provided for such cases. The Muslim League celebrated the resignations with a 'day of deliverance and thanksgiving'.

Thus Congress took its stand on independence, almost immediate and quite unconditional, the League on self-determination for Muslims. These positions were adopted early in the war and maintained throughout—and indeed after the war was over. The British Government, on the other hand, under the exigencies of war moved a considerable distance between September 1939 and March 1942. They began by simply re-affirming that Dominion status was the goal for India and by undertaking that the scheme of government in the 1935 Act would be reconsidered after the war in the light of Indian views. In October 1939 they announced their readiness to authorise the expansion of the Viceroy's Executive Council to include a certain number of representatives of the political parties. Negotiations for this purpose, however, had produced no agreement when, on August 8th 1940, the Viceroy reaffirmed this intention in the course of an important statement of the British Government's policy. Lord Linlithgow explained that recent discussions with political leaders and resolutions of political parties had shown that there were two points connected with the future revision of the constitution on which some further account of the Government's intentions was necessary. These were, first, the position of minorities and, second, the constitution-making machinery. On the first, he stressed the Government's 'concern that full weight should be given to the views of minorities' in any constitutional revision; 'they could not contemplate transfer of their present responsibilities for the peace and welfare of India to any system of government whose authority is directly denied by large and powerful elements in

[1] Sec. 93.

India's national life'. On the second point, the British Government sympathised with the desire that the framing of the new constitution 'should be primarily the responsibility of Indians themselves', and wished to see it given the fullest practical expression, subject to the due fulfilment of British obligations. They therefore looked forward to the setting up immediately after the war of a constitution-making body representative of the principal elements of India's national life.

This would be a very marked departure from the procedure which had led up to the Act of 1935; then, although there had been considerable consultation with Indians, the responsibility throughout had rested with Parliament. The 'August Offer,' as it was called, thus took a substantial step to meet the Congress demand for a constituent assembly, though its emphasis on British obligations and the safeguarding of minorities showed that it by no means went the whole way. It certainly did not go far enough for Congress, which refused even to discuss it and soon afterwards launched a civil disobedience campaign. Gandhi, who organised this, indeed explained that it was not intended to embarrass the Government of India; it was intended merely as a 'moral protest' against the Government's denial of the right to speak against participation in the war.

The Muslim League welcomed the assurance that no new constitution would be adopted without the consent of the minorities. It refused, however, to participate in the Executive Council unless Muslims were given as many seats as Hindus. This might seem presumptuous in a community which amounted to less than a quarter of the population; but of course the League was now claiming to represent the Muslim *nation* which, as such, was entitled to negotiate on equal terms with the Hindu nation, however unequal their numbers. Jinnah stood the more firmly on this principle because he held that any less favourable arrangement than parity with the Hindus in the Central Executive—even though this might only function during the interim period before a new constitutional scheme could be framed—would prejudice an ultimate settlement on the basis of Pakistan.

This demand for 'parity', though later on it won acceptance, was as yet unfamiliar and was not conceded. Eventually, after much negotiation, the Executive Council was reconstituted in July 1941 so as to comprise—apart from the Viceroy and the Commander-in-Chief—eight Indian and three British Members,[1] where previously there had been three Indian and three British. But the Indian Members though personally distinguished, had little or no political backing in the country.

This situation had not altered when the Japanese threat made it urgently necessary to seek a settlement between Indians and British and among Indians themselves. In an effort to gain the co-operation of the Indian political parties with Britain in the defence of the country the British Government sent out Sir Stafford Cripps in March 1942 with the Draft Declaration which became known as the Cripps Offer. This contained proposals both for the participation of Indian leaders in the government during the war and for the steps to be taken afterwards to reach a constitutional settlement. For the present, the British Government invited 'the immediate and effective participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the United Nations'. Only the defence of India would remain under the control of the British Government 'as part of their world war effort'. All the other portfolios on the Viceroy's Executive Council would be entrusted to Indians who, moreover, would not, like their predecessors, be merely nominees of the Viceroy, but would be chosen in consultation with the political parties.

For the future, the British Government looked forward to the creation of a new Indian Union with full Dominion status, including the right of secession from the Commonwealth. To this end an elected constitution-making body would be set up immediately after the war. The British Government undertook 'to accept and implement forthwith the constitution so framed' subject only to two conditions. The first was that any Province which did not accept the new Union constitution could devise a

[1] By the end of the war the number of Indian Members had risen to eleven.

new constitution of their own 'giving them the same full status as the Indian Union'; the States would likewise be free to choose whether to join the Union or to stay out. The second was that a Treaty should be signed between the British Government and the constitution-making body, covering 'all necessary matters arising out of the complete transfer of responsibility from British to Indian hands', including the 'protection of racial and religious minorities'.

The Draft Declaration thus went a considerable way to meet both Congress and the Muslim League. For the first time the British Government were at pains to make clear that Dominion status implied the right of secession. The proposed Treaty, it was explained, would 'not impose any restriction on the power of the Indian Union to decide in the future its relationship to the other Member States of the British Commonwealth'. Sir Stafford Cripps defined the purport of the proposals as 'complete and absolute self-determination and self-government for India'. Here was virtually the declaration of independence which Congress was demanding, though independence itself would have to await, first, the end of the war and, second, the framing of the new constitution and the Treaty with Britain. A further advance was that the process of constitution-making was to be no longer merely 'primarily the responsibility of Indians themselves', as the August Offer had put it, but wholly an Indian responsibility: the British Government would be pledged to endorse whatever Indians agreed upon. From the Muslim League standpoint, although the object of the proposals was defined as the creation of an Indian Union, in the singular, the provision that Provinces need not adhere to the Union was both a recognition of the strength of the demand for Pakistan and a long step towards its ultimate realisation, provided that the Muslims were solidly organised in support of it.

The negotiations lasted for seventeen days. Sir Stafford Cripps interviewed, besides leaders of Congress and the Muslim League, representatives of other parties such as the Mahasabha, the party of orthodox Hinduism, and the Liberals, a party rich in talent and

experience though small in membership; representatives of the Scheduled Castes, the Sikhs, and other minorities; and representatives of the Princes. The success or failure of the negotiations, however, depended on the attitude of the two major parties.

On the long-term proposals, the resolution passed by the Congress Working Committee on the day after the negotiations concluded recognised that 'self-determination for the people of India is accepted in principle', but only in the 'uncertain future' after the war and even then 'the accompanying provisions and restrictions are such that real freedom may well become an illusion'. Moreover the principle that Provinces and States should be free not to accede to the Union seemed to open the way to the fragmentation of the country in the future and to sharper communal discord in the present. 'Congress', ran the resolution, 'has been wedded to Indian freedom and unity and any break of that unity especially in the modern world when peoples' minds inevitably think in terms of ever larger federations would be injurious to all concerned and exceedingly painful to contemplate. Nevertheless the Committee cannot think in terms of compelling the people of any territorial unit to remain in an Indian Union against their declared and established will.' But even so, compulsion must not be used 'on other substantial groups within that area'. The Committee were obviously thinking of the Punjab and Bengal. In each of these Provinces the Muslim majority might carry a decision not to adhere to the Union; but if Congress were to acquiesce in this it would be forsaking the substantial non-Muslim minorities which in each case made up nearly half the population.

But with a Japanese invasion an imminent probability, Congress was less interested in the 'uncertain future' than in the immediate present. Might not Japan overrun India, or a large part of it, as easily as she had overrun Malaya and Burma? Gandhi, true to his pacifism, advocated meeting the Japanese with non-violent resistance, but many Congress leaders wished to resist. But they were willing to do so only if they could take delivery at once of full governmental powers from what they imagined to be the

failing hands of Britain. In such circumstances it is not surprising that the negotiations broke down over the short-term proposals. Congress complained that the stipulation that defence must remain under British control would virtually annul the Indian sphere of responsibility, since in wartime defence covers almost the whole of life and administration. But the High Command went much further and demanded that the new Central Executive must function as a Cabinet with full powers, the Viceroy acting merely as constitutional head. They did not agree that it was impracticable to carry through in wartime the legislation necessary to effect this; they would, however, be satisfied with 'definite assurances and conventions' that the new Executive 'would function as a free government'. Sir Stafford Cripps was unable to meet Congress over this. The constitutional position was that the Viceroy was a member of his own Executive Council, responsible with the other members to the Secretary of State and Parliament; moreover he had the power to overrule a majority view of his Council if, in his opinion, 'the safety, tranquillity or interests of British India are, or may be, essentially affected'. Sir Stafford Cripps maintained that the major legislative changes which would be needed to transform this system into a system of Cabinet Government with full power could not be undertaken in the middle of a war. Nor would it be possible to introduce Cabinet Government by means of assurances and conventions, since this would amount to tearing up the relevant provisions of the constitution. And even if this could have been done, the resultant position would be that the Cabinet, presumably nominated by the major political parties and responsible to no one but itself, would be irremovable and 'would in fact constitute an absolute dictatorship of the majority'. Such an outcome would be rejected by all the minorities and would be inconsistent with British pledges to them. Congress would therefore have to be satisfied with the existing constitutional position, bearing in mind however that all the members of the new Council (except the Viceroy and the Commander-in-Chief) would be Indian party leaders, backed by strong organisations in the country. Decisions of the Council

would normally be taken by majority vote, and would therefore represent the views of the major party or parties. The Viceroy's overruling power would only come into play in exceptional cases; and experience of the working of self-government in the Provinces between 1937 and 1939, and of the limited use which the Governors then made of their special powers, suggested that the Viceroy likewise would be reluctant to use his veto, lest his action should lead to the resignation of his Council and thus overthrow the system of partnership in the prosecution of the war which would have been built up with so much difficulty.

While it was the deadlock on this issue which put an end to the negotiations, the Muslim League also rejected the proposals, though its rejection was not made public until after that of Congress. The League was pleased that the right of non-accession had been recognised; but it did not consider that this recognition went far enough. The primary aim of the proposals, its Working Committee complained, seemed to be to create a single Indian Union by means of a single constitution-making body, 'the creation of more than one Union being relegated only to the realm of remote possibility'. Thus the prospect of achieving Pakistan would be prejudiced at the outset. The League declined to express an opinion on the interim arrangement, and the question of the communal composition of the Executive Council, which was to prove so difficult later on, was not discussed.

The aftermath of the Cripps Mission can be described briefly. The British Government declared and continued to declare that the principles of the Cripps Offer remained the basis of their policy. Congress, however, became even more bitter and uncompromising in its demand for independence—immediate, unconditional, and regardless of the consequences, whether invasion, civil war or general anarchy. 'Leave India in God's hands', said Gandhi, 'in modern parlance, to anarchy, and that anarchy may lead to internecine warfare for a time or to unrestrained dacoities. From these a true India will rise in place of the false one we see.' The Working Committee proceeded to pass

the famous 'Quit India' resolution, which was endorsed by the All-India Congress Committee on August 8th. This demanded the immediate end to British rule in India, after which a provisional government would be formed, a Constituent Assembly would be convened, and the questions at issue between Britain and India, or between the communities in India, would be settled by negotiation. If this demand were not conceded, Congress would be reluctantly compelled to start 'a mass struggle on non-violent lines on the widest possible scale' under Gandhi's leadership.

On the next day the Congress leaders were arrested and the All-India Congress Committee and all the Provincial Congress Committees, except in the North-West Frontier Province, were banned. There followed disturbances over a large part of the country and on a scale which has earned for the episode the title of a 'rebellion'. Its most striking feature was the extensive sabotage of communications, especially in the United Provinces and Bihar, which lay across the supply lines of the armies facing the Japanese on the frontier; for a considerable time Bengal and Assam were cut off from the rest of northern India. To a lesser degree attacks were made on police stations and other Government buildings, and on Government servants. But the scale of the disturbances, though serious enough in any circumstances, was not large in proportion to the size of the country and of its population. The Government took vigorous counter-action, and by the end of the year the rebellion had been largely suppressed. The numbers imprisoned, with or without trial, rose steadily, reaching its maximum of some 36,000 in the first half of 1943.

Jinnah had condemned the Congress demand for the conversion of the Viceroy's Executive Council into a Cabinet, which had brought the Cripps negotiations to an end, as an attempt to capture, in the name of national independence, the control of government for Congress itself, thus putting the Muslims and other minorities at its mercy. The League now formally condemned the 'open rebellion' launched by Congress as a bid to achieve the same end by direct action, and it called upon all Muslims to have nothing to do with the movement. Meanwhile

it assured the British Government of Muslim co-operation in the war effort if only they would pledge themselves to abide by the verdict of a plebiscite of Muslims and give effect to the Pakistan scheme.

Thus the events of the war were doing nothing to break the political deadlock. The Congress demand for immediate independence on the basis of Akhand Hindustan (United India) and the Muslim League demand for independence after a settlement involving partition seemed irreconcilable; and with every day that passed the devotion of the adherents of these ideals became more fanatical. During the period between the suppression of the Congress rebellion and the end of the war in Europe the political stalemate persisted. With the Congress leaders in jail and their organisation proscribed, developments could hardly be expected, and only two need be mentioned. After the failure of the Cripps Mission, Mr. Rajagopalachari, the ex-Premier of Madras, had resigned from Congress owing to disagreement with its policy, and in particular because he considered it necessary to go farther than his colleagues on the Working Committee to meet the demands of the League. In his private capacity, he now had conversations with Jinnah; and at his instance Gandhi, who in May 1944 was released from prison owing to ill-health, offered to negotiate with Jinnah on the basis of a formula which opened the way for the creation of a Pakistan consisting of the Muslim-majority areas, subject to a plebiscite of all their inhabitants (not merely the Muslim inhabitants, as Jinnah demanded). For Gandhi to agree to discussions on this basis marked a sensational change of front, since his belief in the unity of India was strongly held. Although he had no mandate from Congress, it is possible that, had he been able to come to an agreement with the League, he might have carried Congress with him, thus altering the course of history. The two leaders conferred for over a fortnight. But between their points of view and personalities there was a wide gulf; on several issues no agreement could be reached, and the negotiations came to nothing.

The second notable development during this period was the

publication of constitutional proposals devised by a 'Conciliation Committee' under the chairmanship of Sir Tej Bahadur Sapru. The Muslim League had refused to co-operate with the Committee, which was predominantly Hindu and Liberal. The Committee emphatically rejected any idea of dividing India, and would not admit the right of any part of the country to stay outside, or even to secede from, a new Indian Union. They went further and recommended that separate electorates should be abolished in favour of joint electorates with seats reserved for the minorities. If the Muslims would agree to this they would receive in return equal representation with the Hindus (other than the Scheduled Castes) in the constitution-making body and in the new Central Legislature and Executive. In the light of the growing strength of the League and its insistence on Pakistan, such recommendations showed a lack of realism. However, two members of the Committee, Sir Homi Mody and Dr. Matthai, recorded a note of dissent in which they expressed their willingness to consider partition if there were no other basis for an agreed settlement.

At the end of the war the British position in India seemed, on a superficial view, firmly entrenched and capable of meeting a serious challenge. The Viceroy held very wide powers, which wartime legislation had increased. His Executive Council consisted of his nominees, and was responsible neither formally to the Legislature nor informally to the political parties, but to him. Although the Indianisation of the administration had gone far, the two principal services—the Indian Civil Service and the Indian Police—still contained a considerable proportion of British officials, and the proportion was highest in the higher ranks. There were large British forces in India; and the Indian Army was British controlled and largely British officered. The Provincial Governors were all British, and in five out of the eleven Provinces they had been in control of the administration ever since the Congress Ministries resigned in October 1939.[1] Lastly, all this

[1] In 1937 Congress formed Ministries in seven Provinces, to which was added an eighth (Assam) in the following year. These Ministries all resigned in October—November 1939, but in three of the Provinces concerned (Assam, Orissa and the North-West Frontier Province) ministerial government was restored during the war with non-Congress Ministries.

vast organisation was under the ultimate direction of the Government in London. The British Parliament still had the final voice in Indian affairs.

The strength of this position was, however, more apparent than real. The essential factor was of course that Britain was pledged to give independence to India as soon as the main elements in the country could agree upon the broad lines of their future form of Government. This was the result of the Cripps Offer and the subsequent British affirmations of adherence to its principles. The Offer had reduced to a minimum the field in which the agreement of the major Indian political parties would be required. If only Congress would accept the principle of Provincial non-accession, if only the League would agree to participate in an All-India constitution-making body on the understanding that the Muslim-majority Provinces would be free not to accede to the resultant Union—then the procedure envisaged in the Offer could begin to operate. And once it was in operation it was unlikely that the British would be able to stop it even if they wanted to.

The Cripps Offer was the product of a Coalition Government on which the main British political parties were represented. Hence these parties were alike committed to helping India to achieve her independence as soon as possible, though their different ways of approaching the problem were indicated by the different aspects which they emphasised. While members of the Labour party tended to concentrate upon the broad issue of independence and were inclined to be impatient of the obstacles in the way, Conservatives laid stress on Britain's obligations to the minorities and the Indian States, as well as to the soldiers who had just fought for her, and they did so to an extent which aroused suspicion that they lacked sympathy with the nationalist aspirations of the largest Indian political party.

The attitude of the Labour party, which its success at the polls was to make more important to the future of India, was the expression of a change in the dominant British attitude towards India which accompanied the shift in the balance of political

power at home. During the whole period of British rule that power had been in the hands of aristocratic or middle-class parties who had begun by regarding India as a valuable field for patronage and investment, and as time went on had come to accept it as part of the natural order of things that a number of their friends and acquaintances should make their careers there. They had in fact been brought up to take British rule in India for granted, and found it difficult to reconcile this assumption with their support for suppressed nationalities elsewhere or with their belief in British parliamentary government as a commodity suitable for export. This conflict of ideas perhaps represents the mean position of educated British public opinion: but there were many who, surmounting it, sincerely wished to see the realisation of Indian self-government but who feared the chaos and bloodshed which seemed only too likely to accompany the changeover.

However, political power was now passing to a class which had none of the traditional interest in India and the British position there. Here was much sympathy with India's demand for freedom, but considerably less understanding of the more complex and debatable question of Muslim nationalism. But everyone knew that relations between British authority and political India had for long been difficult, unhappy and largely sterile. The public was weary of the whole business. To many the association between Britain and India seemed productive of no benefit to either side—none, at any rate, to the common man in either country. With the war drawing to an end, ideas of liberation—national, racial and economic—had come into the air; and it was natural to feel that these must apply in India as elsewhere. Britain had had enough of war, and the maintenance in India of British troops for any considerable period and on a scale adequate to deal with a widespread revolt would have been stigmatised as a wanton misuse of British manpower and a waste of British lives; it would have been alleged that policy was being dictated by a small section who feared for their investments and trading interests. With a large part of the British public in this frame of mind, any Government which had come into armed

conflict with Indian nationalism would have had to face an outcry against which it would have been hard put to defend itself.

It would of course have been the Government's duty, notwithstanding the risk of any such political embarrassment at home, to resist any threat by an Indian political party to revolt in order to enforce a demonstrably unjust demand. But it was equally the Government's duty to do everything possible to prevent a situation of this kind arising. An armed collision would benefit no one. So, far from making the problem of India's future easier, it would only make her relations with Britain even more difficult, even more impregnated with bitterness. There was in addition the hard fact that Britain, impoverished by the war, could not afford a policy in India which would involve a further drain on her resources. Nor, whatever left-wing politicians might suspect, was there any economic motive strong enough to tempt her to stay in India, with the important proviso, of course, that she must if possible leave behind her conditions in which normal commercial operations would not be made impossible by a breakdown of public order. The risk that a successor Government might take discriminatory action against British property was counterbalanced by the prospect that dealings between British and Indian business men would become friendlier when the political grounds for distrust were removed. Finally, the war had reversed the financial relations of the two countries. Britain's purchases of war supplies had been so vast that she was now no longer India's creditor but her debtor to the tune of £1,200 million. Hence there could no longer be any question of retaining some measure of control in order to ensure that an Indian Government fulfilled its liabilities.

Even if the British had not been pledged to hand over power, even if their own principles and their own difficulties had not predisposed them to do so, they might well have been influenced in the same direction by doubts as to the capacity of the existing administration to tackle the problems confronting the country. The dangers and difficulties in the economic field were well known. The population was increasing at the rate of some five

million a year. The vast majority were illiterate peasants living on the barest margin of subsistence. And even more urgent than the raising of this miserable standard of living was the task of making it secure, lest the failure of the available food supplies to meet the needs of the mounting population should lead to famine on an unprecedented scale. Clearly therefore an immense effort was needed to ensure the fair distribution of essential goods, to develop agriculture and industry, and to improve communications, public health and education. It would be for Government to take the lead in planning and executing this drive for economic salvation, and to inspire the educated minority, from whom so much devoted service would be required, with a sense of high responsibility, even of mission. This would be a hard enough task for any Government; it could scarcely be undertaken by one which was responsible to an alien power, and whose every action evoked a torrent of criticism from nationalists who ascribed all their ills to the fact that their country had not achieved her freedom. To whatever degree a Government of this kind might delegate its authority and invite Indian co-operation, the residue of control which it still retained would throw suspicion on everything done in its name or by its collaborators. Moreover its economic plans would be handicapped by its commitments to Princes and landlords, commitments which had largely outlived their usefulness but which had to be honoured so long as British authority remained in effective control of the country.

As it was, the administrative machine of which the Government disposed was hardly in a condition to undertake great enterprises. Like other bureaucracies, it had swollen very greatly during the war, especially at its lower levels; and this had produced the type of evils associated with such developments. Meanwhile in the higher ranks the British officials were immersed in the paper work of wartime administration, stale owing to lack of leave—some had not been home since before the war—and uncertain how the constitutional settlement would affect their work. These handicaps also affected the Indian members of the higher services, though not quite in the same way; in the light of the

various declarations of policy culminating in the Cripps Offer they found it hard to know whether to look for approval to their British masters or to the Indian political parties which were waiting to take delivery from them. It was not so much that their allegiance was divided as that the state of uncertainty in which they lived was not conducive to effective or courageous administration.

These were some of the main elements in the situation which indicated that the transfer of power from British to Indian hands should be speedy and complete. Political India, however, was unaware how strong was the feeling in Britain in favour of withdrawal; and there was in consequence a strong disposition to distrust British intentions. Congressmen, and Hindu nationalists generally, were suspicious of British promises to hand over power as soon as Indians had reached a measure of agreement among themselves. Was it wholly clear, even in the light of the Cripps Offer, what measure of agreement, and between what parties, would be deemed sufficient? British statesmen were forever emphasising their concern for the minorities, and the Cripps Offer had specified their protection as a matter to be dealt with in an Indo-British Treaty; was not all this a trick to hold on to power so long as there was a single minority which refused to bow to the will of the majority? Even granting British good faith, would it be possible to reach even the minimum of agreement while the third party remained in the country, using all its power to hold the protagonists apart? Did not the British attitude invite intransigence, and was not Jinnah, in taking full advantage of this attitude, playing the British game? Hindu suspicions that the Muslims were unduly favourable to Britain were given colour by the outstanding services which many Muslims had rendered to the British cause during the war; by Muslim neutrality during the 1942 rebellion; and by the natural tendency of the Muslim—like any other—minority to be better disposed than the majority towards the foreign ruler to whom it looked for protection. But the Muslims, or at least the Muslim Leaguers, likewise found grounds for distrusting British intentions.

The speeches of British statesmen were now showing anxiety that a means should be found to preserve India as one country; and Jinnah, maintaining that so long as there was formal unity there would be communal discord, accused the British of wishing to perpetuate this state of affairs in order to prolong their rule.

Yet however they might blame the third party for the fact of their disagreement, Indians could not deny that their divisions had grown more pronounced with every action or declaration by the British in the direction of divesting themselves of their ruling powers. Hence their bitterness and frustration—the words cannot be avoided in any account of the state of mind of educated Indians at this time—were due not only to the the fact of their subordination to a foreign power but also, though less apparently, to their own failure to agree how their country should be organised after the foreigner's departure. They felt that, whether the British liked it or not, their rule must come to an end before long. Whether the end came slowly or suddenly it would amount to a revolution in Indian affairs; and if there is any rule in politics analogous to the principle that nature abhors a vacuum, it is that a revolution must inevitably be accompanied by a struggle for power. What would be the nature of the struggle in India? Other countries had become free and united only after undergoing the ordeal of war, civil or foreign; it almost seemed as if such a trial was a necessary part of the process of discovering a national soul. Would then India have to endure a long and devastating civil war, perhaps following directly upon a struggle to rid herself of foreign domination?

Yet if Indians could only surmount these dangers, the opportunities that awaited them were magnificent. By virtue of her size and resources India was the natural leader of Southern Asia. Her geographical position made her goodwill essential to any European power with interests to the east and south of the Indian Ocean. Her neighbours to the east, traditionally linked to her by trade and emigration, were like her in their urge towards national freedom, and she aspired to help them to attain their ideal. But, unlike them, she had not, except to a very slight extent,

been overrun by the Japanese invaders. She had not had to suffer the destruction of her resources in face of an enemy advance or the further wave of destruction involved by reconquest. On the contrary, the war had helped to develop her industries, train her technicians, and increase her capital. 'If India is put right', wrote Mr. Rajagopalachari, 'there can be little doubt that she will play a great part in the advance of Asia as a whole. She is entitled to lead Asia by every test, except that of self-government, as things now stand.'

In order to see how this complex situation developed, we must now trace in some detail the course of events in India from May 1945, when the war in Europe came to an end.

CHAPTER II

THE SIMLA CONFERENCE AND THE ELECTIONS

AS THE war in Europe drew to a close and as the Japanese gave ground in Burma, it became increasingly evident that some urgent and decisive step must be taken to break the deadlock between Britain and political India which had lasted since the rejection of the Cripps Offer. In all Provinces the ban imposed on Congress activities after the 'Quit India' resolution remained in force; some 1250 people were still in prison for having taken part in the 1942 rebellion; and these included some of the leading members of the Congress Working Committee, among them the President, Maulana Azad, Pandit Nehru and Sardar Patel. These restraints could no longer be justified by the danger of invasion; and to the argument that they were required for the efficient prosecution of the war against Japan it could be answered that the war might last a long time, during which political opinion in India would become increasingly restive. But if the Congress leaders were to be released without being afforded any constitutional means of political activity, they would virtually be driven to preparing for a further revolutionary upheaval. It has already been emphasised how necessary it was, in the interests of both sides, that Britain should avoid if possible an armed clash with Indian nationalism. The situation, then, clearly demanded the immediate adoption of some expedient which would offer Indians an opportunity of resuming the orderly advance towards self-government which had been interrupted when the Congress Ministries resigned in 1939.

The idea was growing that the first step should be the reorganisation of the Viceroy's Executive Council so as to make it representative of the main political parties. It was widely believed that if only Congress and Muslim League leaders

could be given responsibility and accustomed to working together on the day-to-day tasks of administration, what Mr. Rajagopalachari called 'a habit of common purpose' would be evolved, the cleavage on the fundamental issue of India's future would in time diminish, and the settlement of the constitutional problem would become correspondingly easier. The history of the experiment made in 1946–7 to work a bi-partisan Government without first having settled the long-term problem suggests that these hopes were largely wishful thinking. Those who held them apparently believed that the Muslim League could eventually be induced to waive its Pakistan demand. The League had declared in 1942 that it was ready to enter a provisional Central Government on the basis of equality of representation with Congress provided that the British Government made a declaration guaranteeing to Muslims the right of self-determination and undertaking to abide by the verdict of a Muslim plebiscite and give effect to the Pakistan scheme. But it was conceivable that League policy might be influenced towards not insisting on this proviso by the Muslims living in Hindu-majority Provinces, who had originally given the party its strength and who might be expected to be more interested in their minority rights than in the creation of a separate Muslim State.

In January 1945 Mr. Bhulabhai Desai, the leader of the Congress party in the Central Legislative Assembly, and Nawabzada Liaquat Ali Khan, deputy leader of the Muslim League party, had conversations directed to finding a basis for the participation of Congress and the League in a new Executive Council. A formula was evolved whereby the two parties would each hold an equal number of seats, others being allotted to the minorities. The Viceroy and the Commander-in-Chief would remain Members of the Council, which would work under the existing constitution but would not use the Viceroy's reserve power to override the Legislature.

Documents in this sense were signed by the two parties to the conversations, but it was made clear that neither Congress nor the League was committed to them. Though they were not published until the following September, their purport became

generally known. The incident gained significance owing to the fact that Desai had consulted Gandhi, who had given his blessing to the formula: and because it showed that the League might after all not insist upon the full satisfaction of its demands of 1942 on the British Government. Desai subsequently had some talk with Lord Wavell (who had succeeded Lord Linlithgow as Viceroy in October 1943), and the formula undoubtedly had an important influence on the succeeding events.

In March Lord Wavell flew to London for discussions with the Coalition Government; it was officially explained that they would 'cover a wide field, including questions connected with the maintenance of India as a base for operations against Japan after the defeat of Germany'. During his visit the European war came to an end, and the Coalition gave place to a Caretaker Government. These events necessarily prolonged his stay and as the weeks dragged on political opinion in India became restive; would the British Government, absorbed in the problems created by the surrender of Germany and in the approaching General Election, be willing and able to find time to deal with Indian affairs? Lord Wavell was believed to be in favour of radical action to end the stalemate, but could he be relied upon to impress his views upon Mr. Churchill?

The tension was eventually relieved at the beginning of June by the Viceroy's return and by his broadcast on June 14th outlining the British Government's proposals. At the same time these were explained to Parliament by Mr. Amery, the Secretary of State for India, in the Commons and by Lord Scarborough, his Under-Secretary, in the Lords. Their final form, it was announced, was the outcome of consultations between the Viceroy and leading members of both the main parties in the late Coalition; but their principal author was Lord Wavell, and in India they became identified with his name. In essence they were a plan for replacing his existing Executive Council by one representative of Indian political opinion; they were in effect a more detailed re-statement of the short-term proposals of the Cripps Offer. The Viceroy and the Commander-in-Chief, as War Member, would still sit in the

new Council, but all the remaining seats would be occupied by Indians, who would thus hold the External Affairs portfolio, hitherto held by the Viceroy, and those of the Home and Finance Departments, hitherto held by British officials. The Indian Members would represent the main communities, and would include equal proportions of Caste Hindus and Muslims. The new Council would work under the existing constitution. This meant that the Viceroy would still be able in certain circumstances to overrule a majority view of his Council. Mr. Amery told the Commons that so long as there was no Indian constitution under which controversial issues could be ultimately resolved by an accepted democratic procedure, this power of veto was 'a necessary protection for the minorities whether against immediate injury or against decisions which might prejudice the constitutional future to their detriment'. But it was, he explained, a power in reserve, not an instrument in normal use. Moreover the Viceroy gave an assurance that it would not be 'exercised unreasonably'.

There was thus every prospect that the Council would enjoy very substantial powers. But the extent of these would depend not merely either upon the letter of the constitution or even upon any conventions which might grow up under it. Since its members would be chosen by the Viceroy only after consultation with political leaders it would have, in comparison with its predecessor, vastly greater support in the country and its authority and prestige would be correspondingly increased. This reliance upon the support of the main political parties would be a substitute for responsibility to the Legislature, which was ruled out because the Muslim League would never agree to participate in a Council responsible to a body with a Hindu majority. Both Mr. Amery and Lord Wavell emphasised that the formation of this interim Government would in no way prejudice the final constitutional settlement. Indeed, it was because the task of devising the eventual settlement was one for Indians themselves that the British Government were proposing a step which could be taken within the framework of the existing constitution. Once more it was affirmed that the Cripps Offer still stood in its entirety, without

change or qualification; and that the British Government still hoped the political leaders would be able to come to an agreement on the procedure whereby India's permanent future form of government could be determined. Lord Wavell declared that of the three main tasks of the new Executive Council—the prosecution of the war against Japan, the carrying on of the Government of British India until a new constitution could be agreed upon, and the consideration of how such agreement could be achieved—the last was the most important.

It was also announced that, in order to consider the best means of forming the new Council, the Viceroy was convening a Conference to meet at Simla on June 25th. He was inviting Gandhi and Jinnah, as the recognised leaders of the two main parties, the Premiers of those Provinces where ministerial government was in operation, the ex-Premiers of the Provinces where the Governor had taken over the administration, various party leaders in the Central Legislature, and representatives of the Scheduled Castes and the Sikhs. Lord Wavell intended to discuss his proposal with the Conference, and to invite from them a list of names, out of which he hoped to be able to choose the new Council. If the Conference failed, the existing Council would remain in office.

In addition, the imprisoned members of the Congress Working Committee were to be released immediately. The question of releasing other people still detained as a result of the 1942 rebellion was to be left to the new Central Government and to the Provincial Governments. It was hoped that in the Provinces where the administration was in the hands of the Governors, responsible Ministries would once again take office; and it was suggested that these Ministries should be coalitions of the main parties.

Lord Wavell concluded his broadcast with an appeal for goodwill and mutual confidence. 'There is on all sides something to forgive and forget.'

The Indian press and public gave the Viceroy's announcement a remarkably favourable reception. Tributes were paid to his sincerity, and the political leaders were urged to accept his invitation and at least to consider the proposals favourably. There was

general relief that a way had at last been found to end the long stalemate and to enable political India to re-establish contact with its rulers. The only outright opposition came from the Hindu Mahasabha, which had not been invited to be represented at the Conference, although it had taken part in the Cripps negotiations. The Mahasabha protested against the proposed parity between Muslims and Caste Hindus which would, it alleged, 'reduce Hindus, who constitute 75 per cent of India's population, to a minority'. Dealing with the point that the plan was no more than an interim arrangement the President, Dr. S. P. Mookerjee, observed that 'there could not be any such thing as interim or temporary suicide'.

In 1942 Congress had rejected a scheme under which it would share power with a Britain threatened with expulsion from India by the Japanese invaders; as Sir Stafford Cripps said, it had 'wanted all or nothing'. The Cripps proposals had therefore been wrecked on the question of the amount of power to be vested in a 'political' Executive Council. But now that the tables had been turned on the Japanese, this issue faded into the background; Britain was now strong enough to regulate the pace at which power should be transferred. On the other hand, controversy at once broke out over the principle which should govern the distribution of seats in the new Council. The Viceroy had said that it 'would represent the main communities and would include equal proportions of Caste Hindus and Muslims'. But from the Congress standpoint the use of these terms where the Desai-Liaquat formula had used 'Congress and Muslim League' was a retrograde step from politics to communalism; it seemed to accept the view that Congress was a purely Hindu organisation and to imply that its role at the Conference would be to represent, and to nominate to the Council, Caste Hindus only. To accept this position would be to abdicate its claim to the leadership of the Indian independence movement, and to betray the Muslims, Scheduled Castes and members of other communities in its ranks. Even the Mahasabha did not claim to represent Caste Hindus only. Gandhi telegraphed to the Viceroy protesting that 'religious division will become officially stereotyped on the eve of

independence' and asking that the Conference should be postponed until this issue had been clarified.

Lord Wavell met this request—as well as one from Jinnah that the Conference should be put off for a fortnight to enable him to consult his Working Committee—by emphasising the importance of opening proceedings on the date already announced. Evidently postponement would lead to controversy and speculation which would not improve the prospects of success. He assured Gandhi that the term 'Caste Hindus' had not been used with offensive intention; the meaning was that there should be equality between Muslims and Hindus other than members of the Scheduled Castes. In the end his firmness achieved its object. Although as late as June 18th neither Congress nor the League had officially accepted his invitation, the Conference duly opened on the 25th. All those who had been invited were present except Gandhi, who declined on the ground that he had no official standing as the representative of Congress. At his suggestion the Congress President, Maulana Azad, was invited in his stead. Gandhi, however, saw the Viceroy the day before the Conference opened and remained in Simla throughout its sessions in the capacities, as he put it, of 'both adviser to Congress and adviser too to the Viceroy, and through him to the British people'.

No doubt Lord Wavell, in issuing the initial invitation to Gandhi as the 'recognised leader' of Congress, had in mind mainly his predominant position in the counsels of the party. This position might not be expressed in any official status; technically, in fact, he was not a member of Congress at all; but there seems no reason why the Working Committee should not have nominated him as their representative for the occasion of the Conference only. In addition, however, Lord Wavell was evidently apprehensive that if Dr. Azad, a Muslim, were to represent Congress it would cause offence to the Muslim League, which claimed to speak for all Indian Muslims and was accustomed to brand Congress Muslims as 'quislings'. When Dr. Azad was in fact invited the Muslim League did not formally protest; but *Dawn*, their official organ, complained that his inclusion in the Conference

was a more than 'symbolic affront' to Muslim India. This newspaper was already putting forward the contention which was to assume such importance—that the Muslim League should have the sole right to nominate all the Muslim members of the new Council.

No official account of the proceedings of the Conference has ever been given, other than the Viceroy's statement of July 14th describing the circumstances of its breakdown. But at first it appears to have made encouraging progress. It was reported that there was little disposition to make difficulties over the main lines of the British proposals; that the term 'Caste Hindus' had been amended to 'Hindus other than Scheduled Castes'; and that parity between these Hindus on the one hand and Muslims on the other had been agreed upon. The next stage should have been for the Conference to settle the strength and composition of the Council. The parties would then have sent lists of names to the Viceroy who, after adding, if necessary, names of his own, would have attempted to form on paper a Council which might be acceptable alike to the British Government, himself and the Conference. He intended to discuss his selections with the leaders, and finally to put them to the Conference.

But as soon as discussion began on the composition of the Council, there arose the question of who should nominate the representatives of the various communities; and here discord at once broke out. Congress—though its leaders privately admitted that its membership was now more than 95 per cent Hindu—was determined not to compromise the principle that it was a national and not a communal organisation; and it therefore claimed the right to nominate not only Hindus, but also members of other communities, including Muslims. The Muslim League, for its part, insisted that it was the only body which represented the Muslims of India; and that it therefore had the exclusive right of making the nominations for the Muslim seats in the Council. Thus neither party was content, even for the purpose of a transitional arrangement, to represent its own members and them only; each invoked fundamental principles relating, the one to its goal of an independent, united India, the other to its goal of Pakistan.

There was in fact a clash between the irreconcilable claims of two nationalisms.

The formal meetings of the Conference were interspersed with private talks between some of its members; in particular, hopes were raised when contact was established between Congress and the League in the persons of Pandit Pant and Jinnah. As neither the number of seats in the Council nor which communities or interests should be represented therein had been fixed in advance, there was plenty of scope for manoeuvre. But within a week it became apparent that there was no prospect of the Conference, as the result either of teamwork or of bargaining between the parties, producing agreed recommendations as to the strength and composition of the Council. Lord Wavell therefore, with the approval of the Conference, tried a new procedure. On June 29th he adjourned it until July 14th, undertaking during the interval to endeavour to produce a solution not based on any formula agreed in advance. For this purpose he asked the parties to send him lists of names; Congress and the League were invited to submit 8 to 12 names, the other parties 3 or 4; and all parties could if they wished append to their lists names of members of other parties whom they would like to see included in the Council. On receiving these lists the Viceroy would try to devise an acceptable solution.

Congress and other parties represented at the Conference duly produced their lists. Jinnah, however, sent a letter to Lord Wavell containing an emphatic assertion of his party's claim that all the Muslim members of the Council should be chosen from the League, subject only to confidential discussion between the Viceroy and the League's President before they were finally recommended to the Crown for appointment. Lord Wavell in reply refused to give a guarantee that this claim would be met, and again appealed to Jinnah to furnish his list of nominees. After consulting his Working Committee, Jinnah replied that in the absence of the desired guarantee he could not do what the Viceroy asked.

Lord Wavell thereupon drew up a list of his own, including certain Muslim League names but not accepting the claims of any

party in full. He did not show the complete list to any of the party leaders. But he showed the Muslim names to Jinnah; from what the latter afterwards said it appears that these consisted of four Muslim Leaguers and one member of the Punjab Unionist Party (the party including Muslims, Hindus and Sikhs, which had been in office in the Punjab since 1937). Jinnah declared that this solution was not acceptable to the Muslim League, and he was so decided that the Viceroy felt that it would be useless to continue the discussions. When the Conference reassembled on July 14th, the Viceroy made a statement briefly describing what had happened and announcing that the Conference had failed. With statesmanlike humility rare in political life he took the responsibility for failure upon himself, in the hope that by so doing he would temper the bitterness of the inevitable recriminations between the parties. 'I wish to make it clear that the responsibility for failure is mine. The main idea underlying the Conference was mine. If it had succeeded, its success would have been attributed to me, and I cannot place the blame for its failure upon any of the parties. I ask party leaders to accept this view, and to do all they can to ensure that there are no recriminations. It is of the utmost importance that this effort to secure agreement between the parties and communities should not result in a worsening of communal feeling. I ask you all to exercise the greatest possible restraint.'

Lord Wavell concluded by reminding the Conference that the war against Japan and the other tasks of his Government must be carrried on, and by warning them in effect that the efficient performance of these tasks was incompatible with 'continuous and even frequent political discussions of this kind'. In these circumstances he proposed 'to take a little time to consider in what way' he could 'best help India after the failure of the Conference'.

Such is the history of the Simla Conference, so far as it is available from published documents. It remains to assess the roles of the main parties. Congress displayed the flair which seldom deserted it for presenting its case before the world in the most favourable light; and there is no denying that its leaders showed considerable political wisdom. With its whole organisation, except

for its Working Committee, still under the ban, with its leaders only just released from prison, its attitude was nevertheless moderate and free from bitterness. Its leaders emphasised that they still adhered to the creed of non-violence; and Dr. Azad declared his opinion that the party should not start any movement to further its cause before the end of the Japanese war. There was of course no question of its resiling from its objective of complete independence; on the contrary, one of the first actions of the reconstituted Working Committee was to reaffirm the Quit India resolution. But Congress entered the Conference without making conditions, such as the release of political prisoners and the raising of the ban on the remaining Congress organisations; it was prepared to co-operate in setting up the new Council, on the understanding that this was no more than an interim arrangement; it did not raise difficulties, as it had done in 1942, over the Viceroy's veto; it accepted the principle of Hindu-Muslim parity despite its objection to a communal, as opposed to a political, line of division and despite the very great preponderance of Hindus in the population; and it was content with a face-saving amendment of the objectionable phrase 'Caste Hindus'. Its leaders' repeated assertions that it would nominate for the Council the best men available, irrespective of their community, or even whether they were Congressmen, would appeal to western observers and to western-minded Indians; though it might not in reality help towards a solution, since the British proposals were based on the assumption that the hard facts of Indian politics made it inevitable that the composition of the new Council should be communal. The list of nominees sent by the Congress President to the Viceroy was published; it consisted of five Hindus, three of them members of Congress; five Muslims, two of them members of Congress and three of the Muslim League; and five representatives of the minorities, some or all of them close to the Congress point of view. But this does not mean that the party could not have been brought eventually to agree to participate in a Council of a complexion much less favourable to itself, provided only that the League's claim to all the Muslim

seats—acceptance of which by Congress would imply a denial of its own national character—were not admitted. After the Conference Dr. Azad said that he had agreed to forgo the nomination of Congress Muslims if the League were prepared to include in their place two suitable 'Nationalist' Muslims not belonging to either Congress or the League. Whether Lord Wavell's final list, including as it apparently did one Punjab Unionist Muslim, would have proved acceptable to Congress is a matter for conjecture; as we have seen, it was never shown to the Congress leaders. But these seem to have been genuinely anxious to save the Conference from breakdown; and to have recognised that the Viceroy's plan meant for them not only an immediate and substantial accession of power, but also a step on the road to their goal of independence.

The Muslim League likewise looked at the plan in relation to its grand objective. Would its acquisition of a few seats on the Central Executive bring it any nearer to achieving Pakistan? Judging by his statements to the press, Jinnah was by no means sure that it would. He had noted what the Viceroy said in his broadcast to the effect that the reorganised Council was only a temporary expedient; and the Secretary of State had declared, more specifically, that any interim advance must in no way prejudge the question whether the ultimate settlement would be based on a united or a divided India. But in practice this interim and provisional arrangement might very well last for an indefinite period, during which the Pakistan issue would be shelved. 'The arrangement', declared Jinnah on June 30th, 'will continue until the bigger issue has been settled by agreement between us, whether we are to have a constitution or constitutions. And therefore this preliminary issue of Pakistan must be settled first, and the sooner it is done the better for all concerned.'

Jinnah considered it all the more probable that the plan would play into the hands of Congress because in the new Council the Muslims would be a minority of one-third. They would, indeed, have parity with the Hindus, but there would also be the representatives of the minorities—such as Scheduled Castes, Sikhs and Christians—who would probably hold between them another

third of the seats. These minorities might differ from the Hindus and from Congress on a number of questions; but on the basic question of their country's future they had the same goal—independence based on unity and not division. And so on fundamental issues Congress would invariably command a majority and the Muslims would as invariably be outvoted. As regards the Viceroy's veto, which the Secretary of State had said would be used to protect the minorities, Jinnah thought that the 'Viceroy would be placed in a very invidious position if he were to exercise the veto constantly and as a normal business'. In fact, the more British spokesmen, with a view to convincing India and the world of the genuineness of their proposals, emphasised that the new Council would enjoy the reality of power, the more cause did Jinnah find to apprehend that the plan would mean the establishment of that Hindu domination which would kill all hope of Pakistan. Curiously enough, an unconscious forecast of the breakdown of the Conference had been given by Lord Scarborough on June 14th, when he explained the proposals to the House of Lords. He had said: 'If some advantage appears to be given to one of the main communities in advance of agreement between them, rejection by the other is almost certain. If one party is placed in a position from which it might dominate future discussions, the other is likely to hold aloof.' He went on to assert that the proposals, since they offered to each of the main communities a footing of equality and gave 'to neither a preponderating advantage' did not ignore these 'hard but inescapable facts'. Jinnah, as we have seen, did not agree.

The Viceroy had said that if the Conference failed, the existing Executive Council would carry on. This prospect had no terrors for Jinnah, to whom a weak executive, lacking the support of any political party, was infinitely preferable to a strong executive with a Congress majority. Rather than see the latter situation arise, Jinnah was prepared to face the odium of being responsible for the Conference's breakdown.

Muslim League policy thus became concerned less with acquiring power for itself than with denying it to its opponents.

This it did by means of the claim to nominate all the Muslim Councillors. This claim was admittedly not based upon the existing position in the Central and Provincial Legislatures. Even the League itself did not pretend that more than 420 out of the 600 holders of Muslim seats in these Legislatures had been elected on the League ticket. In none of the Provinces claimed for Pakistan did the League hold undivided power. In the North-West Frontier Province, with its ninety per cent Muslim population, a Congress Ministry had recently (contrary to general Congress policy) taken office; in the Punjab the Unionist Ministry was supported by almost two-thirds of the Muslim members of the Assembly; in Bengal the League Ministry had been defeated and the Governor, unable to find a satisfactory alternative, had taken over the administration himself; in Assam and Sind the League shared power with other parties. Moreover there were in the country a number of Muslim political and religious organisations which denied the League's right to speak for all Indian Muslims.The League, for its part, asserted—justly, as the event proved—that its strength had very greatly increased since 1936, when the existing Provincial Legislatures had been elected; Jinnah claimed that 90 per cent of the Indian Muslims were now with him. But until this was tested at new elections, the Viceroy could scarcely accept the League's claim to nominate all the Muslim Councillors. To do so would not only have forfeited Congress participation; it would also have ignored the Muslims of the Punjab Unionist Party, who were among the most active supporters of the British cause in the war. Indeed, it was evidently considerations such as these which had influenced Lord Wavell and the British Government in proposing that the new Council should be based on parity between Caste Hindus and Muslims rather than between Congress and the Muslim League.

Lord Wavell had assumed responsibility for the breakdown; and there was an inevitable tendency to blame the 'third party'. He should not, it was alleged, have yielded to Jinnah's obstinacy. By refusing to proceed with his plan unless all parties agreed on the composition of the new Council, he had put a premium on

intransigence; the Viceroy's veto, observed Dr. Mookerjee, had been transferred to Jinnah. As soon as the League had won acceptance of the principle of Hindu-Muslim parity, it had put up its price; Jinnah was now complaining that the Muslims would command only one-third of the votes in the Council, which must mean that he wanted parity not only with the Hindus but with the Hindus plus the minorities. And so the League would make a crescendo of demands which would act as a perpetual stumbling-block to the progress of the country towards independence until at last revolution or civil war came to break the deadlock.

For his part Jinnah spoke bitterly of a combination against Pakistan between 'the Gandhi-Hindu Congress', 'the latest exponent of geographical unity Wavell', and the Governor and Premier of the Punjab. The published utterances of the Congress leaders were less rancorous, though they were more restrained than their press. But the breakdown of the Conference did not, as might have been expected, drive political India back the whole way to its previous mood of frustration. After all, the ice had been broken; political activity had begun again; and the Viceroy had established contact, and to some extent worked, with the leaders of the party which had so recently been proscribed.

There was one step which Congress and the League were agreed should be taken as soon as possible; this was the holding of elections for the Central and Provincial Legislatures. These were long overdue. The existing Central Assembly had been elected in 1934, the Provincial Legislatures in 1937, and everyone was agreed that they had ceased to represent the electorate. If elections could have been held before the Simla Conference, the claims of Congress to represent all communities and of the League to represent all Muslims could have been tested against a body of up-to-date evidence, and the Conference might have had a different outcome. But the Government had ruled that elections were impracticable in wartime. The claims made at the Conference gave point to the demand that elections should nevertheless be held forthwith, the Japanese retreat increased it, the sudden Japanese

surrender on August 15th made it irresistible; and on August 21st the Viceroy announced that Central and Provincial elections would be held as soon as possible. A few days later the last of the Provincial bans on the Congress organisation was removed.

Meanwhile in Britain the Labour Government had taken office, and the speech from the Throne had promised that they would do their utmost to promote, in conjunction with the leaders of Indian opinion, the early realisation of full self-government. In his first public statement after his appointment as Secretary of State for India, Lord Pethick-Lawrence had spoken of his ideal of equal partnership between Britain and India. The expectations which these pronouncements aroused in India were heightened when Lord Wavell went to London for consultations with the new Government.

As in June, the Viceroy's return to India was followed, on September 19th, by a broadcast announcing the outcome of his visit. This time, however, he had not such a detailed plan of political advance to put forward. His most important announcement—showing that the British Government were still working in the spirit of the Cripps Offer—was that they intended to convene a constitution-making body as soon as possible. As a preliminary step he would undertake, immediately after the elections, discussions with representatives of the Provincial Legislatures and of Indian States, in order to decide whether the constitution-making body should take the form outlined in the Cripps Declaration or some other form. After the elections he would also take steps to bring into being an Executive Council having the support of the main Indian parties. This announcement meant, said Lord Wavell, that the British Government were determined to go ahead with the task of bringing India to self-government at the earliest possible date. 'We are well aware of the difficulties to be overcome, but are determined to overcome them.'

This statement of policy satisfied no party, and the general disappointment was expressed in a flood of criticism. Meeting a few days after the broadcast, the All-India Congress Committee

stigmatised the proposals as 'vague, inadequate and unsatisfactory'. They considered it significant that no mention had been made of independence. Nor, observed the critics, was there any prospect of immediate advance. Until the elections were over, neither would responsible Ministries be restored in the Provinces now administered by Governors, nor would a fresh attempt be made to reconstitute the Central Executive. Moreover on this latter question there was no sign of a new approach, so that the obstacles which had wrecked the Cripps Mission and the Simla Conference might again prevent success—though at any rate the statement had not stressed the necessity of communal agreement as a pre-requisite of political advance. A further, though more remote, ground of complaint was the very restricted franchise. Congress, the Muslim League and other parties had accepted the principle of adult suffrage. This was contrasted with the actual state of affairs, in which only about 10 per cent[1] of the population of British India would be eligible to vote in the Provincial elections; while in those for the Central Assembly which, because the federal scheme in the Act of 1935 had never come into operation, was still constituted under the Act of 1919, the corresponding figure would be less than 1 per cent. Lord Wavell had answered this complaint in his broadcast by stating that any major alteration of the franchise system would delay the elections for at least two years.

The parties had now to build up their organisations in preparation for the elections and to frame their election policies. For Jinnah the second of these tasks presented no difficulties. He lost no time in announcing that the Muslim League would fight the elections on the two main issues of Pakistan and the League's position as the only authoritative and representative organisation of the Muslims of India. For its part Congress made it clear in an election manifesto that it was fighting the elections on the basis of the Quit India resolution. It had decided to contest them 'to show that the inevitable result of elections, however restricted, must be to demonstrate the overwhelming solidarity of opinion

[1] This is believed to be equivalent to approximately 26 per cent of the *adult* population. Owing to the short expectation of life in India and the recent large increase in the population, a high proportion of the population was under 21.

of the voters on the issue of independence. Therefore, in this election, petty issues do not count nor do individuals nor sectarian cries—only one thing counts: the freedom and independence of our motherland, from which all other freedom will flow to our people'. The methods Congress would adopt to achieve this objective had previously been defined by the All-India Congress Committee as negotiation and settlement when possible and non-cooperation and direct action when necessary.

But there was a fundamental question on which Congress policy required further definition. Did Congress still stand for the unity of India or was it prepared to see a free India divided on communal lines? On the issue of self-determination for Muslims did it still maintain the attitude it had adopted towards the non-accession clause of the Cripps Offer? It seems clear that Muslim Congressmen were moving in a different direction from the bulk of their Hindu partisans. Dr. Azad, in a statement made before the policy-making organisation of the party had considered the question in the light of its election programme, explained the lengths to which Congress had gone in recognising the right of self-determination 'even to the extent of separation under certain circumstances and with certain safeguards for the communities affected and for the country as a whole'. If any unit or group of adjoining units wished to take charge of its own destiny, it would be open to its representatives in the Constituent Assembly to advance its claims, 'and the decision on this should not rest on the majority vote of the Assembly but on the vote of representatives in the Assembly of the areas concerned'. In order to remove doubts and suspicions, however, he proposed to get the next meeting of the Working Committee to clarify its policy. His own view was that the division of India was wholly impracticable and opposed to the ultimate interests of the Indian Muslims themselves. But he realised that 'a large section among the Indian Muslims does not seem to be in the mood to view realities in their proper perspective. This section can be expected to do so only when it is assured that the determination of their destinies rests with the Muslims themselves, without external compulsion.

When this is realised, suspicion and doubt will largely disappear, and efforts to reach a desirable and mutually satisfactory solution of the Communal problem will be fruitful'. A few days later he added that Congress had 'recognised the right of self-determination of the population of a well-defined area. Obviously if a considerable majority in that area are Muslims their decisions will be the decisions of the area concerned. Muslims wherever they are in a majority need have no apprehension that a decision which is not their own will be imposed on them'. But when asked whether this meant that the Provinces as they stood should be allowed to exercise the right of self-determination, he replied that the existing boundaries were artificial and should be adjusted. This exposed him to attack by the Muslim League press, which had already criticised his statements on the ground that they merely opened the possibility of a 'maimed and mutilated Pakistan' instead of one comprising the six Provinces which the League demanded.

Another prominent Muslim Congressman, Dr. Khan Sahib, the Premier of the North-West Frontier Province, declared that he absolutely agreed with Dr. Azad. 'Self-determination is the only thing. Actually the principle was conceded by the Congress long ago, but it was wrapped up in a lot of rigmarole.' But the Hindu leaders of the party spoke in a different strain. Sardar Vallabhbhai Patel bluntly declared that Congress could be no party to the division of India on religious grounds. Pandit Nehru, although he admitted that Congress would not compel the population of a unit to remain against their will in a federated India, obviously felt—as many Indians of international outlook must have done—a strong intellectual aversion from the idea of splitting up the country as contrary to the modern trend all over the world towards larger political organisations. In view of fast-developing changes and the international situation, he said, all talk of Pakistan sounded empty and meaningless. The Muslim League should think dispassionately on the way the question of Pakistan could be judged against the realities of 'the revolution created by the atom bomb'. This dislike of the Pakistan demand as

reactionary and anti-national probably led many Congressmen to underestimate its strength,

At its meeting in September the Congress Working Committee embarked upon the clarification of policy to which Dr. Azad had looked forward. A resolution was passed which, after recalling that Congress stood for a federal Constitution with residuary powers vesting in its units and with fundamental rights as an integral part, continued as follows:

'Further, as declared by the All-India Congress Committee at its meeting held in Allahabad, in May 1942, the Congress cannot agree to any proposal to disintegrate India by giving liberty to any component State or territorial unit to secede from the Indian Union or Federation. Congress, as the Working Committee declared in April 1942, has been wedded to Indian freedom and unity and any break in that unity, especially in a modern world when people's minds inevitably think in terms of ever larger federations, would be injurious to all concerned, and exceedingly painful to contemplate.

'Nevertheless the Committee also declared that it cannot think in terms of compelling people in any territorial unit to remain in the Indian Union against their declared and established will.

'While recognising this principle, every effort should be made to create conditions which would help the different units in developing a common and co-operative national life. Acceptance of this principle inevitably involves that no changes should be made which would result in fresh problems being created and compulsion being exercised on other substantial groups within that area. Each territorial unit should have the fullest possible autonomy within the Union consistently with a strong national State.'

This resolution, unlike others passed by the Working Committee at the same meeting, was not submitted to the All-India Congress Committee when it met a few days later. But when the All-India Committee was considering a resolution on election policy two Muslim members proposed amendments designed to give Muslims representing the Muslim majority Provinces in

the Constituent Assembly the right to determine their own future. These amendments were defeated, and one of their promoters soon afterwards resigned from Congress and joined the League. At the same meeting Congress leaders denounced the obstructive tactics of the League, with whom they would enter into no more negotiations; instead they would make a direct approach to the Muslim masses on the eve of the elections.

It is clear that on this most important issue there were in Congress divided counsels and much searching of heart. The obscure and contradictory language of the Working Committee's resolution satisfied no one. Even if it had declared unambiguously in favour of the right of secession it would not have gone far enough for the Muslim League: the immediate reaction of the League Secretary, Liaquat Ali Khan, was to declare that Muslims were 'determined not to allow a united India to come into existence'—the question of secession would not therefore arise. Right-wing Congressmen were equally dissatisfied that there was not a clearer assertion of the resolve to maintain the unity of India. The net result of the resolution was to indicate that Congress as a whole was less inclined than either its own Muslim members or Gandhi (judging from the formula which he had discussed with Jinnah in 1944) to compromise with the Muslim League. The party's election manifestoes, published a few weeks later, assumed throughout that the unity of India would be preserved, though in the form of a loose federation with the maximum autonomy for the constituent units: the most direct reference to rights of self-determination or secession was the observation that 'the federation of India must be a willing union of its various parts'. In effect, the elections were to be fought on the issue of Pakistan versus Akhand Hindustan.

That this was so was nowhere more evident than in the Punjab which, with Muslims and non-Muslims in almost equal proportions in the population and in the Legislature, was already recognised as the Province of greatest strategic importance in the fight for Pakistan. The Premier and leader of the Unionist Party, Malik Sir Khizar Hyat Khan, himself a Muslim, could not avoid

making a statement on the burning question of Indian politics. He accordingly issued an appeal to the electorate in which he denied that the choice before the Muslim voter in the Punjab would be whether to vote for Pakistan or not 'because he will be voting for Pakistan whether he votes Muslim Unionist or votes Muslim League'. The Unionist Party, he continued, left its members at liberty to hold whatever views they chose on All-India communal and constitutional issues; this meant in effect that the Muslim members were firm and uncompromising supporters of the right of self-determination, while the Sikh and Hindu members were free to hold other opinions on India's constitutional future. But the evenly balanced representation of the communities in the population and the Legislature did not permit the formation of a Government supported only by Muslims. Hence the necessity for co-operation between Muslims and other communities in the Province if a stable Ministry was to be formed. This co-operation could only be secured on the basis of a common economic programme such as had been provided by the Unionist Party since 1923.

This seems an eminently reasonable line: but the Muslim League were furious that a non-Leaguer should try to take the wind out of their sails by espousing Pakistan. To *Dawn*, the League organ, he was the 'Saboteur of the Simla Conference, Disruptor of Muslim Solidarity in the Punjab, Collaborator of the Sword-Rattlers against Muslims, and Premier by the grace of the British bureaucracy'. Descending to argument, the paper protested against the suggestion that it was the League's intention to attempt to form a Ministry of Muslims only: the collaboration of other parties would always be welcome and would indeed be regarded as essential for the running of the administration. Soon the League was accusing the Punjab Government and its officials of interfering in the elections so as to favour the Unionist candidates, while the Government, in a communique obviously directed against the methods employed by the League, spoke of voters being threatened with 'divine displeasure if their votes are not cast in a certain manner'.

The Congress decision to contest the elections on the independence issue had its merits. No doubt one of its objects was to divert attention from communal differences; though if, as has been suggested above, this tendency led Congress progressives to underrate the strength of feeling behind the demand for Pakistan, it was not an unmixed blessing. Independence apart, there was among such men a strong conviction that the most urgent problem before the country should properly be the poverty of the masses; and so they were naturally annoyed that the most urgent problem was in fact the communal one.

A further advantage of the independence platform was that, as always, it minimised the danger of a split between right and left on economic policy. Here the Congress election manifestoes represented a compromise with a bias towards the left; they declared in favour of a moderate degree of State ownership or control of mineral resources and key industries and services. Land reform would be carried out by means of 'the removal of intermediaries between the peasant and the State', but equitable compensation would be paid.

On the other hand, the disadvantage of an election campaign fought on the theme of independence was that, as the months passed, it came to have serious dangers for public order. There was in any case a growing impatience that so little progress was being made; the Simla Conference had failed, the statement of September 19th offered no fresh solution of the communal deadlock, nor could the British begin to implement their proposals and thus prove their sincerity until after the elections. Soon Congress leaders and the press were proclaiming their disillusionment with the Labour Government and their distrust of its intentions: the atmosphere of goodwill and optimism which had been a striking feature of the early stages of the Simla Conference had largely evaporated. Feelings against the British were intensified when Indian troops were used in Indonesia and Indo-China. Ever since their release the Congress leaders had in their public utterances placed the demand for Indian independence in an Asian context: the logical consequence of 'Quit India', they

urged, must be 'Quit Asia'. Now in their election speeches they bitterly attacked Britain for helping France and Holland to re-establish their colonial rule, and for employing Indian troops to that end. Her policy was condemned as a betrayal of her professed war aims and as a foretaste of the treatment India might expect to receive if she persisted in her demand for immediate independence. Muslim League leaders spoke in the same strain, though somewhat less vehemently, on this and on another question which likewise played its part in whipping up anti-British feelings during the election campaign. This was the treatment of the members of the so-called Indian National Army, the force recruited under Japanese auspices mainly from officers and men of the Indian Army taken prisoner in Malaya. Some 20,000—about a third of those captured—had joined, voluntarily or under pressure. On the Japanese surrender these men fell into the hands of the British. The vast majority were not punished in any way: but there was evidence that a small number had been guilty of gross brutality, especially in their methods of inducing their fellow prisoners to join them. A few officers in this category were brought to Delhi and put on trial. At once Congress set up a Committee to undertake their defence, and extolled them—and indeed all members of the I.N.A.—as patriots and heroes who had opened a new chapter in the history of their country's struggle for freedom. It was noted as significant that in the I.N.A. men of different communities had co-operated in the common aim.

The unqualified applause which Congress gave to the I.N.A. provoked doubts whether it still subscribed to the Gandhian doctrine of non-violence. The impression that there had been a change of policy was deepened by the tone of the speeches of some, though not all, Congress leaders and by the praise which they lavished indiscriminately on all actions, violent or not, done in support of the 1942 rebellion. Pandit Nehru, for instance, spoke frequently and emphatically of the duty of revolt against foreign domination and of the need to prepare 'for a mass battle for freedom, which may come sooner than people expect'.

He and others urged that once the British had quit, the communities would find it easy to come together and compose their differences. But even while they held out this hope Congress leaders spoke of their readiness to face civil war if after the British withdrawal they could reach no settlement. If the League wanted Pakistan, they would have to take it by force.

During November in Madras, Bombay and Calcutta student demonstrations of sympathy with the I.N.A. men on trial led to disturbances and to firing by the police. In Calcutta the rioting lasted for several days.

It was in this atmosphere of mistrust, neurosis, and threats of inter-racial and inter-communal strife that the next Government announcement was made, in the form of a statement by the Secretary of State in the House of Lords on December 4th. After repeating that the elections were a necessary preliminary to the other steps to full Indian self-government outlined by the Viceroy on September 19th, Lord Pethick-Lawrence emphasised that the Government regarded the setting up of a constitution-making body and their other proposals as a matter of the greatest urgency. He then announced that, as a means of dissipating misunderstanding and of increasing the opportunities for personal contact between Britain and India, which had been greatly interrupted during recent years, the Government were arranging to send to India a Parliamentary Delegation. This would be composed of members of the three main parties, and would be able to meet leading Indian politicians and to convey the desire of the British people in general and of Parliament in particular that India should speedily attain full self-government. Lord Pethick-Lawrence then stressed the fact that the authorities in India were still responsible for maintaining law and order and for resisting any attempt to resolve the constitutional issue by force: and he gave an assurance that Government servants would be fully protected in the performance of their duty.

The news of the Parliamentary Delegation's approaching visit kindled no great enthusiasm in India. It had been explained that it would neither make an official enquiry nor submit a formal

report: and its membership was not particularly distinguished. In short, its coming would do nothing to resolve the conflict between Congress and Muslim League. This had just been sharpened by statements from Jinnah, first, that there must be two constitution-making bodies—one for Hindu India and one for Pakistan—and, second, that the League would refuse to participate in an interim Government at the Centre as this would only be the thin end of the wedge for Hindu domination. Would such intransigence, asked Congressmen, render stillborn the procedure which, according to the British pronouncements, was to follow the elections? Or would the Viceroy go ahead and form an interim government and a constitution-making body with those elements who were willing to co-operate? The feelings against the League and against Britain were united in the accusation that Jinnah was simply giving the British an excuse to perpetuate their rule.

The Parliamentary Delegation, which toured India during January and February 1946, may well have done useful work in reassuring Indian politicians about British intentions: and there were other factors which somewhat lowered the temperature. A week after Lord Pethick-Lawrence had made his statement the Congress Working Committee passed a resolution reaffirming their belief in non-violence: a further resolution explained why this was not inconsistent with the help which the party was giving to the members of the I.N.A. Secondly, when those I.N.A. officers who were put on trial were sentenced to transportation for life, the Commander-in-Chief either reduced the sentences or, in most cases, remitted them. However, the excitement over the I.N.A. did not die down without more riots in Bombay and Calcutta: and in February there was a short-lived naval mutiny. These incidents combined with the election fever to create an atmosphere in which large-scale disorder was probable and anarchy possible. The situation obviously demanded some bolder and more imaginative action than the British Government had yet taken.

The election results gave striking proof that the voters were ranged solidly behind the two major parties. Congress won all

the elective seats in the Central Assembly except those reserved for Muslims and a few of those reserved for special interests. In the Provincial Assemblies it increased its strength from 704 seats to 930; in eight Provinces it gained an absolute majority; in the remaining three it was the second largest party. The Muslim League won every seat reserved for Muslims in the Central Assembly. Of the 492 Muslim seats in the Provincial Assemblies it won 428, as compared with the 109 it had won in the elections of 1936. The Akalis, the Sikh communal party, emerged as a strong group in the Punjab where, on the other hand, the inter-communal Unionist Party lost heavily. Other parties, whether organised on an all-India basis like the Mahasabha or the Communists, or operating in a single Province like the Madras Justice Party, won either very few seats or none at all.

Congress proceeded to form Ministries in the eight Provinces where it was in the majority. These included two of the Provinces claimed for Pakistan—Assam and the North-West Frontier Province. There remained three Provinces—Bengal, Sind and the Punjab—all likewise claimed for Pakistan.[1] In each of these the Muslim League was the largest single party in the Assembly, though in none did it have an absolute majority. In each case negotiations for a Congress-League coalition broke down. In Bengal and Sind[2] the League took office; but in the Punjab a coalition was formed of Congress, the Unionist Party and the Akali Sikhs and, as it commanded a majority in the Assembly, the Governor invited its leader—the former Premier, Malik Sir Khizar Hyat Khan—to form a Ministry.

Thus of the five Ministerial Provinces of 'Pakistan' the League was able to take office in only two, and in these it relied on the support of other groups to obtain a majority in the Legislature. This comparative failure was due, at least to some extent, to the fact that under the Communal Award minorities had been

[1] Baluchistan, the sixth 'Pakistan' Province, consisted partly of British Baluchistan, administered by a Chief Commissioner under the direction of the Viceroy, and partly of State territory.

[2] In Sind the League commanded exactly half the votes in the Provincial Legislative Assembly. This led to deadlock, and in December 1946 a fresh election was held in which the League gained a majority over all the other parties.

given representation in the Provincial Legislative Assemblies in excess of their proportionate strengths in the Provincial population. This meant that the majority communities were under-represented in relation to their population strengths. For example, the seats reserved for Muslims in the Bengal Legislative Assembly amounted to only 48 per cent of the total, although they formed 55 per cent of the population.

Hitherto the Indian political scene had seemed to many people a bewildering collection of diverse communities and interests, each of which would require to be given, before the British left India, some sort of special guarantee for its future protection. The elections considerably simplified this picture. They did not, it is true, wholly vindicate the claims put forward at Simla by either Congress or the League. But they did demonstrate beyond all challenge that these two huge political organisations had behind them the vast majority of the Hindu and Muslim electors respectively. Moreover it was becoming clear that there was only one really effective means by which the British, in their withdrawal from India, could safeguard the interests of any community, and that was by conducting a major surgical operation such as would be involved in the creation of Pakistan. Obviously so drastic a remedy could only be applied in the case of a minority which, like the Muslims, was large enough to call itself a nation. For less numerous communities, however deserving, there was scarcely anything the British could do except commend them to the goodwill of the majority. Any other expedient, even a guarantee by a successor government embodied in a treaty with Britain, such as the Cripps proposals had envisaged, would derogate from the full independence which Britain was pledged to give. 'We must recognise', the Prime Minister told the House of Commons on March 15th, 'that we cannot make Indians responsible for governing themselves and, at the same time, retain over here responsibility for the treatment of minorities and the power to intervene on their behalf.' And so the overriding problem for the British Government, as it had been for the Indian voter, was now the unity or division of the country.

CHAPTER III

THE CABINET MISSION

'I wonder whether you realise that this is the greatest and most momentous experiment in Government in the whole history of the world—a new Constitution to control the destiny of four hundred million people.'

Lord Wavell's broadcast on the Cabinet Mission constitutional plan, May 17th, 1946.

ON 19th February 1946 it was announced in both Houses of Parliament that 'in view of the paramount importance not only to India and to the British Commonwealth but to the peace of the world of a successful outcome of the discussions with the leaders of Indian opinion', the Government had decided to send out to India a special Mission of Cabinet Ministers 'to seek in association with the Viceroy an agreement with these leaders on the principles and procedure relating to the constitutional issue'. The members of the Mission were to be Lord Pethick-Lawrence, the Secretary of State for India, Sir Stafford Cripps, the President of the Board of Trade, and Mr. A. V. Alexander, the First Lord of the Admiralty.

Further statements by Ministers threw light on the nature of the Mission's task. This was essentially to help the Viceroy to give effect to the programme outlined in his statement of September 19th, that is to say, the bringing into being of, first, a constitution-making body and, secondly, an interim Executive Council supported by the main Indian parties. There was no intention that the Mission should take part in framing a constitution for India; that was the responsibility of Indians themselves. Nor would they, like Sir Stafford Cripps in 1942, take with them definite proposals on which to base their negotiations.

There was, however, one point in the Cripps Offer which was now reaffirmed even more unambiguously: this was that India

would be at liberty to choose her own future position in the world, whether inside or outside the Commonwealth. 'I hope', said the Prime Minister on March 15th, 'that the Indian people may elect to remain within the British Commonwealth. I am certain that she will find great advantages in doing so. . . . But if she does so elect, it must be by her own free will. The British Commonwealth and Empire is not bound together by chains of external compulsion. It is a free association of free peoples. If, on the other hand, she elects for independence, in our view she has a right to do so. It will be for us to help to make the transition as smooth and easy as possible.'

At the same time the Prime Minister made a pronouncement which was immediately seized upon by the Indian press and public as a revealing indication of the state of mind in which the Mission would enter upon their task. 'We are very mindful,' said Mr. Attlee, 'of the rights of minorities and minorities should be able to live free from fear. On the other hand, we cannot allow a minority to place a veto on the advance of the majority.'

The announcement of the Cabinet Mission was welcomed by all parties in Parliament; it also produced an immediate improvement in the atmosphere in India. There could now be no doubt that the British Government were deeply impressed with the urgency of settling the Indian problem, and they had surely committed themselves on the independence issue too far to be able to withdraw. Congress leaders were evidently coming to have a better appreciation of the factors which were making Britain anxious—even from self-interested motives—to see India independent. Pandit Nehru said, 'I think there are strong forces at play today which are forcing England to recognise the freedom of India. Most intelligent people realise that freedom cannot be held back. The possession of India is gradually ceasing to be a profit in any way. It is becoming a burden.' Gandhi and members of the Congress High Command appealed to their followers to trust the Mission, have patience, and keep the peace; though if the Mission proved untrustworthy then would come the time to prepare for a final struggle. The Muslim League, however,

remained suspicious, since the latest British pronouncements showed no sign of any advance towards recognising the necessity for Pakistan. On the other hand there had been Mr. Attlee's cryptic remark about a minority placing a veto on the advance of the majority. Jinnah declared that if there were any intention of by-passing the League it would be a 'deliberate and flagrant breach' of Lord Linlithgow's undertaking, made in connection with his 'August Offer',[1] that the British Government would not transfer their responsibility to any system of government whose authority was directly denied by large and powerful elements in India's national life. There had been no question of the League holding up the advance of the majority. It had merely refused, as at Simla, to enter the trap set by Congress. 'The issue is, to give a simile,' said Jinnah, 'Walk into my parlour, said the spider to the fly, and if the fly refuses, it is said that a veto is being exercised and the fly is being intransigent.' And anyway the Muslims were not a minority but a nation and self-determination was their birthright.

Some of the sting which Mr. Attlee's dictum had for Jinnah was removed by an answer given by Lord Pethick-Lawrence at a Press Conference on March 25th, the day after his arrival in New Delhi. 'While the Congress are representative of larger numbers,' he observed, 'it would not be right to regard the Muslim League as merely a minority political party—they are in fact majority representatives of the great Muslim community.' On the other hand, when Sir Stafford Cripps was asked at a later Press Conference about his attitude towards Lord Linlithgow's undertaking to minorities, he replied:

'As in everything else, the importance of minorities, their position and their influence may well have changed in the last five or six years, and that may change the application of any such statement that was made in the past. We really want to start this thing on a fresh basis. If we start going back to interpret everything that has been said from Queen Victoria down to today I think we will get into an awful muddle. The best way of approach

[1] See pp. 26–7.

is: We want to give independence to India as quickly and smoothly as we can. Let us sit down together and see how we can arrange it, rather than trying to analyse past statements, some of which indeed might be found to be contradictory if they were fully analysed.'

Throughout their stay the Viceroy worked with the Mission, of which he was in effect a member. The phrase 'the Mission' in the following paragraphs may therefore be taken to include Lord Wavell. The major role which he played in the negotiations, added to the normal duties of his office, put on Lord Wavell a very heavy burden of work during those trying summer months.

The first three weeks after the Mission's arrival were occupied by a large number of interviews with public men and women, including party leaders—Provincial as well as All-India—representatives of minorities and special interests, Princes and their ministers. But, as was to be expected, all these different points of view were over-shadowed by the single great issue between the Congress insistence on the unity of India and the Muslim League demand for Pakistan. The Mission's subsequent negotiations were carried on almost exclusively with the leaders of these two parties. Before describing the course of these negotiations, a more detailed account must be given of the central problem confronting the Mission.

That India should remain one country was clearly the wish not only of Congress but of almost everyone in India outside the Muslim League. On the other hand the League's demand for Pakistan had become too strong to be ignored. To do so would be to consign India to almost certain civil war, her people to an infinity of suffering. Like China between the two wars, an India in chaos would be a temptation to aggressive neighbours and a plague spot from which war might spread throughout Asia and even beyond. These considerations were amply sufficient in themselves to make a British Government pause before transferring power on a basis which did not offer a fair chance of a peaceful outcome; but they were reinforced by the knowledge

that to leave India to civil war would be most harmful to Britain's prestige and her economic interests.

The Mission were therefore driven to consider the possibility of a partition of India; but here also there were evils to be apprehended—or rather a choice of evils, according to the basis on which partition might be carried out. The League claimed that Pakistan must comprise the six Provinces (Assam, Bengal, Punjab, North-West Frontier Province, Sind and Baluchistan) with their existing boundaries, although this would mean the inclusion of large areas in which Muslims were in the minority. It was prepared to consider boundary adjustment at a later stage, but insisted that the principle of Pakistan must first be acknowledged. It contended, first, that the overall Muslim majority in the Provinces in question had a right to decide upon its own form of government and, secondly, that it was necessary to include substantial areas in which Muslims were in the minority in order to make Pakistan administratively and economically workable.

But a Pakistan constituted on this basis would include a very considerable proportion of non-Muslims—some 38 per cent in the north-western Provinces and 48 per cent in the north-eastern. In Assam the Muslim population formed only about one-third of the whole. Conversely, the Muslim minorities in the Provinces not claimed for Pakistan amounted to some 20 million dispersed among a total population of 188 million. Thus partition on this basis would not solve the problem of communal minorities. Moreover there could be no logical justification for including in Pakistan the districts of the Punjab, Bengal and Assam where Muslims were in the minority. The Hindus and Sikhs of these districts could use against their inclusion in a Muslim State every argument which the Muslims were using against their own inclusion in a Hindu-dominated India.

The alternative was for Pakistan to be confined to those areas of the six Provinces in which Muslims did in fact constitute a majority of the population. This would involve the partition of the Punjab and Bengal, each of them a Province with a common language and a long history and tradition. Furthermore the division

of the Punjab would cut in two the homelands of the Sikhs, where dwelt 4 million out of the 5½ million members of this small but important and self-assertive community.

There were in addition certain disadvantages common to both the possible bases on which Pakistan might be established. In either event the railway, post and telegraph systems of the country which had of course been constructed with no thought of partition, would be broken up. More important, so also would the armed forces, and indeed the whole vast organisation of India's defence. The two sections of Pakistan would each contain one of the most vulnerable frontiers in India, and for a successful defence in depth the area of Pakistan would be insufficient. Finally, the two parts of Pakistan would be separated by some seven or eight hundred miles, with communications between them dependent upon the goodwill of the intervening country.

Here then was the problem, the crux of which was the Muslim fear that their separate culture and way of life would become submerged in an India where the Hindu majority could exercise the power which the weight of its numbers gave it. It was this fear that made the League set its face—unless the principle of Pakistan were first of all generally and unequivocally accepted—against participating either in an interim government or in constitution-making machinery for the whole of India. Congress was clamouring for the Mission to take immediate steps to implement its declared programme by calling an interim government and a Constituent Assembly into being; but the League believed that, without prior recognition of Pakistan, the Hindu majority, into whose hands control of the machinery of government and constitution-making would inevitably fall, would use their power in order to block partition. Congressmen were urging the British to fix a time limit in which to 'Quit India'; but the League had for some time opposed this slogan by one of their own—'Divide and Quit', which implied that the British must not withdraw until they had imposed partition, if necessary by force. Meanwhile the League would only share power in an interim government with a Congress which had accepted the principle of

Pakistan; and there must not be a single Constituent Assembly but two, one for Pakistan and one for the rest of the country.

So complete were the deadlock and distrust between the two parties that belief in the possibility of an agreed settlement sank rapidly towards zero. Congress leaders indeed still proclaimed their faith in the ability of the Indian contestants to reach a solution if only the third party were out of the way. A declaration of independence followed by a British withdrawal would, they argued, bring Indians face to face with the hard facts of the situation and oblige them to shoulder responsibility. Hence the suggestion of a time limit: but a further proposal, which likewise found much favour in Congress quarters, showed less confidence in the capacity of Indians to agree among themselves. This was that the Pakistan issue should be submitted to the arbitration of an international tribunal, constituted with or without the help of the United Nations Organisation. Such an expedient would have the merit of taking the dispute on to a new plane, whose impartiality would hardly be open to suspicion; and Mr. Rajagopalachari, who had now rejoined Congress and was a protagonist of the idea, considered that although 'the bargaining technique of the Indian parties does not allow them to relax' they might accept a settlement based on world opinion. But if either or both of them refused to do this, were they to be forced into acquiescence and, if so, by whom? The British could scarcely be expected to remain in India in order to impose a settlement which was not of their own devising upon two parties neither of whom might be willing to implement it on its own.

Could the Mission promote a compromise between unity and partition, one India and two? The outlook seemed far from hopeful. The League leaders and their press were proclaiming their readiness to shed the last drop of their blood to achieve Pakistan. On the other side the Congress attitude to Pakistan seemed as confused, but fundamentally as hostile, as ever. Pandit Nehru at times seemed ready for a compromise. The constitution-making body, he said on April 3rd, should have final authority, but any area not willing to join should not be compelled; and on April

13th he was 'prepared to view with respect a demand for Pakistan if it is made after the freedom of the country has been achieved'. Yet on April 5th he could declare that 'Congress is not going to agree to the Muslim League's demand for Pakistan under any circumstances whatsoever, even if the British Government agrees to it. Nothing on earth, not even U.N.O., is going to bring about the Pakistan which Jinnah wants'. Sardar Patel was equally outspoken—'so far as Congress is concerned there can be no compromise on the subject of Pakistan'. But the contradiction which was absent here appeared in his forecast of the constitutional status of Muslim areas in a free India. 'Congress', he said, 'can accommodate the Muslim League to the extent of reorganising the Provinces and giving the fullest autonomy possible to areas in which Muslims are predominantly in the majority, *subject to a strong centre*.' As before, it was Dr. Azad who took a more constructive line, devising a compromise formula which he persuaded Congress to accept. This envisaged an undivided India, but in the form of a loose federation whose units, the Provinces, would have full autonomy with residuary powers, while the Central Government would exercise only a minimum of functions, such as Foreign Affairs, Defence and Communications. But in addition to this compulsory minimum list of central subjects there would be an optional list so that Provinces might if they wished cede to the Centre the powers necessary for large-scale economic and administrative planning.

The Mission were to explain in their Statement of May 16th their reasons for not adopting this scheme. In the first place it would, in their opinion, present considerable constitutional disadvantages and anomalies. 'It would be very difficult to work a Central Executive and Legislature in which some Ministers, who dealt with Compulsory subjects, were responsible to the whole of India while other Ministers, who dealt with Optional subjects, would be responsible only to those Provinces which had elected to act together in respect of such subjects. This difficulty would be accentuated in the Central Legislature, where it would be necessary to exclude certain members from speaking and voting

when subjects with which their Provinces were not concerned were under discussion.' Secondly, it would not be fair to deny to other Provinces, which did not wish to give up Optional subjects to the Centre, the right to form themselves into a group for a similar purpose. This would, observed the Mission, be no more than the exercise of their autonomous powers in a particular way.

When the Mission had finished their preliminary programme of interviews, they left New Delhi for a short holiday in Kashmir, after expressing the hope that in their absence the two parties would come together and reach a settlement by themselves. On their return, finding that their hope had not been realised, they entered upon a period of intensive consultation with the Congress and League leaders. It was from these talks that there emerged their own idea of a possible compromise. On April 27th a letter from Lord Pethick-Lawrence told the Presidents of the two Parties that the Mission had decided to make one further attempt to obtain agreement between them. It would be useless, however, to ask them to meet unless there could be placed before them a basis of negotiation which might lead to agreement. The basis the Mission suggested was that the future constitutional structure of British India should be as follows:

'A Union Government dealing with the following subjects: Foreign Affairs, Defence and Communications. There will be two Groups of Provinces, the one of the predominantly Hindu Provinces and the other of the predominantly Muslim Provinces, dealing with all other subjects which the Provinces in the respective Groups' desire to be dealt with in common. The Provincial Governments will deal with all other subjects and will have all the residuary sovereign rights.'

The Mission contemplated that the Indian States would take their appropriate place in this structure on terms to be negotiated with them.

Congress and the League were each invited to send four negotiators to meet the Mission and the Viceroy at Simla to discuss the possibility of agreement on this basis.

Congress thereupon nominated Dr. Azad, Pandit Nehru,

Sardar Patel and Khan Abdul Ghaffar Khan; the inclusion of two Muslims emphasised its continuing claim to be a national and not a communal organisation. The League negotiators were Jinnah, Nawab Mohammad Ismail Khan, Nawabzada Liaquat Ali Khan and Sardar Abdur Rab Nishtar. It was agreed that by accepting the invitation the parties had in no way bound themselves to accept the proposed basis for the constitution.

The Conference opened on May 5th. Not since the first Simla Conference nearly a year before had Congress and League leaders met round the same table; and a further sign of an improved atmosphere appeared when Nehru and Jinnah met twice outside the Conference for private talks, mainly concerned with an abortive proposal for the appointment of an Umpire to settle matters of difference between the two parties.

When the Conference had sat for two days the Mission sent the parties a document containing suggested points for agreement; this elaborated the constitutional structure in three tiers—Union, Groups and Provinces—envisaged in the letter of invitation. The Union would consist of a Government and a Legislature, each containing an equal number of representatives of the Hindu-majority and Muslim-majority Provinces, together with representatives of the States. It would deal not only with Foreign Affairs, Defence, and Communications but also with fundamental rights, and would have the power to obtain the finance required for all these subjects. All the remaining powers would vest in the Provinces, but an intermediate tier might be formed by Provinces joining themselves into Groups, which might set up their own Executives and Legislatures. It would be for the Groups to decide which of the Provincial subjects they would take in common. The Union and Group constitutions would provide that any Province might by a majority vote of its Legislative Assembly call for a reconsideration of the terms of the constitution at the end of ten years. The document also made suggestions for the composition and procedure of the Constituent Assembly.

The essence of the compromise was the option to form Groups. The Mission hoped to be able to persuade the League that if the

Muslim-majority Provinces were able to group themselves into organisations which could regulate in common such matters as religion, culture, education, trade and industry, they need have no fear of the extinction of their own way of life under the pressure of the Hindu majority; so that they would be willing to co-operate in an All-India Union with minimum powers, in which they would have equal representation with the Hindu-majority Provinces. The scheme was in fact designed to give them the advantages of Pakistan without the disadvantages inherent in the division of India. Equally the Mission hoped that Congress would recognise that the formation of Groups and a weak Union were lesser evils than the 'vivisection' of the country.

In the event the Mission were unable to close the gap between the two points of view and on May 12th they felt obliged to bring the Conference to a close. They were later to put it on record that both parties had been 'prepared to make considerable concessions'. What these amounted to may be gathered from the published correspondence and documents connected with the Conference.[1] Congress, having at the outset declared its opposition to the whole principle of grouping, so far modified its attitude as to agree not to oppose the formation of Groups, provided these were entirely optional. For its part the League, having announced that it would never submit to any constitution for a United India or participate in any single constitution-making machinery set up for the purpose, went some way towards accepting an arrangement which would preserve a minimum of unity. While still maintaining that there must be two constitution-making bodies, it was prepared to concede that after these had drawn up the respective constitutions of Hindu and Muslim India they might join together to set up a Union dealing with Foreign Affairs, Defence, and Communications necessary for Defence; and also to decide two points about the Union—whether it should have a Legislature and how it should be financed. On the latter point, however, it refused to contemplate a Union with power to impose taxation. Moreover it even demanded that 'no

[1] Cmd. 6829.

decision, legislative, executive or administrative, should be taken by the Union in regard to any matter of controversial nature, except by a majority of three-fourths'. Congress not unnaturally condemned this as 'so sweeping in its nature that no government or Legislature can function at all'; and added 'this will simply mean safeguarding vested interests of all kinds and preventing progress, or indeed any movement in any direction'.

The League's distrust of the Union was of course very far removed from the Congress point of view. Always insistent on the need for a strong and organic Centre, Congress wished the Union to have an Executive and a Legislature, and to deal not only with the subjects suggested by the Mission but also with Currency, Customs and Planning 'as well as such other subjects as, on closer scrutiny, may be found to be intimately allied to them'; in addition the Union should be able to raise such revenue as it required and to take action in case of the breakdown of the constitution or other emergencies. Thus for Congress the first essential was to strengthen the Union and reduce to a minimum the scope of the Groups; for the League the primary objective was to build up a strong Muslim Group, which would amount in practice to the realisation of Pakistan, and to reduce to a minimum the powers of the Union. There was in addition the question of parity between the Hindu and Muslim Provinces in the Union Legislature and Executive, which the League insisted upon but Congress inflexibly opposed. The gulf between the rival conceptions is well illustrated by the procedures for framing the constitution which the parties respectively suggested. Congress proposed that a single Constituent Assembly should first draw up the Union Constitution, after which the representatives of the Provinces might form Groups to decide the Provincial constitutions for their Group and, if they wished, a Group constitution. The League on the other hand saw the first step as the grouping of the six 'Pakistan' Provinces, for whom a separate constitution-making body would frame Group and Provincial constitutions. Only thereafter would this constitution-making body join with its counterpart for the 'Hindu' Provinces in order to determine the Union constitution.

It may in fact be doubted whether the concessions offered by either party went very far; at any rate each was careful in no way to compromise its own fundamental principles. Congress was prepared to allow the formation of Groups only on a basis which would not impair the strong Federal Union it was bent upon achieving. The League, in consenting to the maintenance of a single Centre, however limited, had moved further from its original position. But that it had certainly not given up its objective of Pakistan was apparent from Jinnah's subsequent account of the League's offer, in which he described the Hindu and Muslim Groups as 'two sovereign Federations' which might agree to delegate three subjects to a 'Union or Confederation'. He added that 'this was intended to provide for a transitional period as after an initial period of ten years we were free to secede from the Union'. Thus the League was at most offering to put off for ten years the achievement of a fully sovereign Pakistan; though it was possible to hope that during that period the Union would work so satisfactorily that the Muslims would decide not to secede after all.

Sir Stafford Cripps was later to tell the House of Commons that the Mission had not been 'over-optimistic regarding a final agreement at that stage but what we hoped for, and in fact realised, was a much closer approach to a solution which would narrow the gap between the two parties and so enable us subsequently to put forward to them suggestions for bridging that gap'. Already at Simla the Mission had been at work on a Statement giving their views as to the next step to be taken, and in announcing the breakdown of the Conference they declared their intention of issuing this in a few days' time. This Statement, to which the Mission obtained the approval of the British Government, appeared on May 16th.[1] After recalling the mandate they had received from their Government before they left England and giving a brief summary of the Simla negotiations, the Mission explained that in the absence of agreement between the parties they felt it their duty to put forward what they

[1] Cmd. 6821.

considered the best arrangements possible to ensure a speedy setting up of the new constitution. There followed an examination of the problem of unity versus partition, in which they gave their reasons[1] for not accepting the proposals of either Congress or the League. They then put forward their own suggested solution, which they thought would be just to the essential claims of all parties as well as likely to bring about a stable and practicable constitution for All-India.

The first part of their recommendations took the shape of a brief sketch (paragraph 15) of the basic form of the constitution, once more on the three-tier model. They proposed that the Union, embracing both British India and the States, should have an executive and a legislature, should deal with Foreign Affairs, Defence, and Communications, and should have power to raise the finance required for these subjects. All the remaining subjects and all residuary powers should vest in the Provinces and States; but Provinces should be free to form Groups with executives and legislatures, and each Group could determine the Provincial subjects to be taken in common. In the Union Legislature any question raising a major communal issue should require for its decision a majority of the representatives of each of the two major communities as well as an overall majority: and the Union and Group constitutions should provide that any Province might, by a majority vote of its Legislative Assembly, call for a reconsideration of the terms of the constitution at the end of ten-year periods. During the Simla Conference both Congress and the the Muslim League had shown their willingness to accept something on the lines of these two latter provisions, though the versions produced by each of them were strongly coloured by its own characteristic preoccupations.

The Statement contained this outline of the constitution so as to furnish a basis on which the two major communities might agree to co-operate in setting up the constitution-making machinery; but the greater part of its recommendations (paragraphs 17-20) dealt with the form this machinery should take.

[1] These have been largely reproduced above on pp. 74-6.

For the Mission emphasised that their object was not to lay out the details of a constitution but to set in motion the machinery whereby a constitution could be settled by Indians for Indians. They rejected adult suffrage as a basis for the election of the Constituent Assembly owing to the delay it would involve. Instead they proposed, as the nearest substitute, a scheme whereby each Provincial Legislative Assembly would elect specified numbers of representatives, roughly in the ratio of one to a million of population. The provincial allotments of representatives would be divided between the three main communities—Muslims, Sikhs and General (viz. all except Muslims and Sikhs)—in specified quotas proportionate to their population strengths. The Statement contained a Table of Representation showing the number of seats which would be filled by each community in each Province. The members of the Provincial Legislative Assemblies belonging to each of the three communities would elect their own representatives by the method of proportional representation with the single transferable vote.

The procedure in the Constituent Assembly would be that after a preliminary meeting to settle the order of business and to elect officers, the provincial representatives would divide into three sections—Section A consisting of the Provinces not claimed for Pakistan, Section B of the Punjab, the North-West Frontier Province, Sind and British Baluchistan, and Section C of Bengal and Assam. Each Section would then settle the Provincial constitutions for the Provinces which it included, and would also decide whether there should be a Group constitution and, if so, with what subjects it should deal. Finally the whole Assembly would come together again to draw up the Union constitution. The Assembly would not accept resolutions varying the agreed basis of the constitution (as set out in paragraph 15 of the Statement) or raising any major communal issue, unless these were agreed to by a majority of the representatives of each of the two major communities. The Chairman of the Assembly would decide when a major communal issue was involved and, if so requested by a majority of those representing either of the major

communities, would consult the Federal Court before giving his decision. After the first general election under the new constitution it would be open to any Province to decide, by vote of its Legislature, to come out of any Group in which it had been placed.

Because the proposed allotment of seats in the Assembly only ensured representation for the three major communities, an Advisory Committee on the rights of citizens, minorities, and tribal and excluded areas, containing full representation of the interests affected, should be set up to advise the Assembly how best these matters should be dealt with in the constitution. The Mission believed that this expedient, which would mean that the question of protecting the minorities would be initiated in a body consisting mainly of minority representatives, was likely to produce better results than any electoral device, which could do no more than give the minorities an insignificant representation in the full Assembly.

The method by which the States should be represented in the Assembly when it was considering the Union constitution would be settled between the Assembly and a Negotiating Committee representing the States; but the intention was that they, like British India, should be represented in proportion to their population.

The Viceroy would forthwith ask the Provincial Legislatures to proceed with the election of the members of the Constituent Assembly, and the States to set up a Negotiating Committee. It was hoped that the process of constitution-making would be as rapid as the complexities of the task permitted, so that the interim period before full independence might be as short as possible.

Like the Cripps Offer, the Statement referred to the necessity of a Treaty between the Constituent Assembly and the United Kingdom to provide for certain matters arising out of the transfer of power.

The Statement next stressed the importance of the immediate establishment of an interim Government having the support of the major political parties, so that the urgent and difficult tasks confronting the country—notably the very critical food situation

and the planning of post-war development—could be tackled by a Government with popular support. The Viceroy had already started discussions to this end, and hoped soon to form an interim Government in which all the portfolios, including that of War Member (hitherto held by the Commander-in-Chief), would be held by Indian leaders having the full confidence of the people. The British Government would give the fullest co-operation to the Government so formed both in its tasks of administration and in bringing about as rapid and smooth a transition as possible. Though the Statement did not say so, it had been announced on May 9th that the members of the existing Executive Council, including the Commander-in-Chief, had placed their portfolios at the disposal of the King and the Viceroy, so as to facilitate the arrangements which the Cabinet Mission and the Viceroy were seeking to make.

The Statement ended with an appeal to the leaders and people of India to accept the proposals in a spirit of accommodation and goodwill, bearing in mind that the alternative was 'a grave danger of violence, chaos and even civil war'.

The initial reception of the Mission's scheme was favourable—remarkably so when the sequel is borne in mind. The day after its appearance Gandhi welcomed it as containing 'a seed to convert this land of sorrow into one without sorrow and suffering'. Ten days later he prefaced a critical examination of the scheme in his paper *Harijan* with this paragraph:

'After four days of searching examination of the State Paper issued by the Cabinet Mission and the Viceroy on behalf of the British Government, my conviction abides that it is the best document the British Government could have produced in the circumstances. It reflects our weakness, if we would be good enough to see it. Congress and the Muslim League did not and could not agree. We would grievously err if at this time we were foolishly to satisfy ourselves that the difficulties are of British creation. The Mission have not come all the way from England to exploit them. They have come to devise the easiest and quickest method of ending British rule. We must be brave enough

to believe their declaration until the contrary is proved. Bravery thrives upon the deceit of the deceiver.'

Moderate opinion was almost unanimous in congratulating the Mission. The Congress and League press, while criticising those aspects of the compromise which were at variance with the standpoints of their respective parties, commended the Mission's sincerity and emphasised that their plan was worthy of serious consideration and should on no account be rejected out of hand. But clearly the all-important reactions would be those of the Congress and League high commands, and it soon became apparent upon what points in the scheme each was going to fasten.

The criticisms made officially by Congress and those in Gandhi's articles in *Harijan* were on similar lines. They were numerous and varied, the outcome of a close examination of the Statement by men with legal training. Of the matters on which the party joined issue with the Mission, five will be mentioned here. These, with the Mission's comments on each, are summarised below from the published resolutions, statements and correspondence.[1]

In the first place Congress affirmed its understanding that the Constituent Assembly would be a sovereign body for the purpose of drafting the Constitution unhindered by any external authority, as well as for entering into a treaty; and that it would be able to vary in any way it liked the recommendations and procedure suggested by the Mission, subject only to the safeguard governing the decision of major communal issues. As a sovereign body its final decisions would automatically take effect.

On this matter the Mission gave the assurance that once the Assembly was working on the basis proposed there was no intention of interfering with it or of questioning its decisions. When it had completed its labours the British Government would recommend to Parliament the action necessary for the cession of sovereignty to the Indian people, subject only to two matters which were mentioned in the Statement and which, the Mission believed, were not controversial, namely, adequate

[1] Cmd. 6835 and 6861.

provision for the protection of minorities and willingness to conclude a treaty with the British Government to cover matters arising out of the transfer of power.

Secondly, there was a question connected with the procedure of the Constituent Assembly. This was probably the most important of all the points of controversy, for it was here that Congress levelled the attack on the principle of grouping which was to be expected from its attitude at Simla. It alleged that there was a discrepancy between paragraph 15 of the Statement, which outlined the basic form of the proposed constitution, and paragraph 19, which was concerned with the procedure of the Constituent Assembly. The former affirmed the principle of provincial autonomy and said that Provinces *should be free* to form Groups; the latter said that the provincial representatives to the Constituent Assembly would divide up into three Sections, each of which would proceed to settle the Provincial constitutions for the Provinces represented in it and would also decide whether there should be any Group constitution for them. According to Congress the second of these provisions introduced an element of compulsion which was entirely foreign to the letter and spirit of the first and to the recommendatory character of the Statement as a whole. Sections B and C would respectively be dominated by the larger Provinces—the Punjab and Bengal—with their Muslim majorities. The result might be that the Provincial constitutions drawn up in these Sections would be entirely contrary to the wishes of the smaller Provinces such as the North-West Frontier Province, with its strong Congress party, or Assam, with its Hindu majority. It was even suggested that the dominating Provinces might secure the adoption of rules, for elections and otherwise, which would nullify the basic provision that any Province should be able to opt out of a Group after ten years. In order to resolve the discrepancy Congress read paragraph 15 to mean that in the first instance each Province would choose whether or not to belong to the Section in which it had been placed.

The Mission were content to reply that the Congress interpretation did not accord with their intentions. They added that the

reasons for the grouping of the Provinces were well known and this was an essential feature of the scheme which could be modified only by agreement between the parties. Moreover the right to opt out of the Groups after the constitution-making had been completed would be exercised by the people themselves, since at the first election under the new provincial constitution this question of opting out would obviously be a major issue and, as the franchise would almost certainly have been widened, it would be decided on a more democratic basis than was possible at present.

Thirdly, Congress raised the old question of the status and powers of the interim Government. This, they insisted, must be a precursor of the full independence which would emerge from the Constituent Assembly. Though during the interim period it might be impracticable to make statutory changes in the existing constitution and though the Viceroy might continue as constitutional head of the Government, some formal assurance should be given that the interim Government would in practice function like a Dominion Cabinet. There might be a further convention to establish the responsibility of the interim Government to the Central Legislature. However, 'in order to remove any possible fear or suspicion from the minds of a minority', the consent of a majority of members of the Government belonging to each of the major communities should be necessary for the decision of major communal issues.

Congress was assured in reply that the British Government would give the interim Government the greatest possible freedom in day-to-day administration, and would treat it 'with the same close consultation and consideration as a Dominion Government'. Nevertheless the existing constitution would have to continue during the interim period, so that the Indian Government would not in law have the same powers as a Dominion Cabinet. The objection to a formal understanding such as Congress wanted was that 'the most liberal intentions may be almost unrecognisable when they have to be expressed in a formal document'; the spirit in which the Government was worked would be of much greater importance than any formal document and guarantees. As for a

convention making the Government responsible to the Central Legislature, there was nothing to prevent the members of the Government, individually or by common consent, from resigning if they failed to pass an important measure through the Legislature or if a vote of non-confidence was passed against them.

Fourthly, Congress pointed out that the system proposed for elections to the Constituent Assembly would admit of the participation of those Europeans who occupied seats reserved for their community in the Provincial Legislative Assemblies. In the Assemblies of Bengal and Assam (Section C) the Europeans had under the Government of India Act of 1935 representation out of all proportion to their population strength. On this basis the European members of these Assemblies would be in a position to elect seven representatives to the Constituent Assembly out of a total of 34 from Section C as a whole; thus although their community numbered only 21,000 in the two Provinces, they would have representation equivalent to seven millions of population. There was even a possibility that the European vote would be decisive on the crucial issue whether or not the two North-Eastern Provinces should form themselves into a Group. But Congress took its stand chiefly on the question of principle, maintaining that for Europeans to share in the constitution-making process would be at variance with the reference in the Mission's Statement to the framing of a constitution 'by Indians for Indians'.

The Mission took the line that it was for the Europeans themselves to decide whether they would exercise their right to take part in the elections. In the event the Europeans decided to abstain from all part in the elections.

Finally, Congress protested against British troops being kept in India during the interim period. It was explained to them in reply that while there was of course no intention of retaining British troops against the wish of an independent India under the new constitution, nevertheless during the interim period, which it was hoped would be short, the British Parliament had under the existing constitution the ultimate responsibility for the security of India, and it was therefore necessary that British troops should

remain. In the event the value of an impartial agency for keeping the peace between the communities was soon to be amply demonstrated.

The Muslim League reaction to the Statement of May 16th was cogently foreshadowed by *Dawn* as early as May 20th: 'If after careful study of the Mission's plan it is found that it is a trap from which there is no exit towards Pakistan, it will have to be completely rejected. If on the other hand it is found that, by working it from within, Muslims will be able to bring themselves nearer their goal of Pakistan, that course will not be ruled out.'

On May 22nd Jinnah put out a long statement which began by recapitulating the Simla negotiations and pointing out how the Mission's scheme differed from the position which the League had then taken up. His main criticism of the scheme was of course that 'in order to appease and placate Congress' it rejected the demand for a completely sovereign Pakistan even while it recognised the strength of the feeling which had created that demand. Turning to points of detail, he found that the powers of the Union had been drawn too wide, that there was no provision for parity of representation between Hindu and Muslim majority Provinces, and that such safeguards as the scheme did include would be inadequate for the effective protection of the Muslims and other minorities against the Hindu majority which would dominate both the Constituent Assembly and the Union Executive and Legislature. For example, in the Union Legislature no machinery had been proposed for deciding when a major communal issue had arisen; and although the similar clause relating to the Constituent Assembly provided that the Chairman might consult the Federal Court before giving his decision, there was no stipulation that he must be bound by the Court's ruling.

The fear of a Hindu-dominated centre which was at the root of the League attitude was illustrated by some comments on the economic implications of the Mission's scheme made on June 5th by Mr. Qureshi, Joint Secretary of the Muslim League Planning Committee. He had come to the conclusion that under the Scheme the Groups would be mere glorified municipalities.

The scope of the Union might be limited as the Mission suggested. But even so its control of Foreign Affairs would enable it to exercise a considerable measure of control over the volume, character and direction of foreign trade; through its responsibility for Defence it would decide the location of the basic industries needed for defence and thus have the power to promote or discourage industrial development in the various areas; its control of Communications would give it a similar power, while it was to be feared that, by virtue of its power to raise the finances required for Central subjects, it might assume an even more effective hold on the economic life of the people. Muslims evidently recognised with foreboding the insistent tendency in the Federal States of today—with the modern emphasis on large scale planning for defence, economic development, and even economic survival—for the Central authorities constantly to add to their powers at the expense of the units.

Jinnah had made it clear that his statement was not intended to anticipate the decision of the Working Committee and Council of the Muslim League, which were shortly to meet at Delhi. The summoning of the Council, 'the Parliament of a Muslim nation' as Jinnah called it, was evidently designed to impress upon the world that the issue of the League's acceptance or rejection of the Mission's plan would be decided democratically—thereby refuting the common accusation that the League was a dictatorship. In his address to the Council on June 5th Jinnah emphasised that the members were in no way bound by any decision previously reached by the Working Committee; and he was even at pains to explain away a recent remark of his 'We cannot keep quarrelling all the time,' which had been seized upon as an indication that he was going to direct his followers to accept the plan. On the other hand, while sharply criticising the Mission's rejection of Pakistan as a move to appease Congress, he added 'in fact the foundation and basis of Pakistan are there in their own scheme'.

This was in effect the line taken in the Council's resolution passed on the following day. After condemning the Mission's arguments against Pakistan as 'unwarranted, unjustified and unconvincing' and

rehearsing all the passages in the Statement of May 16th which recognised the strength of Muslim anxieties and apprehensions, the Council reaffirmed that 'the attainment of the goal of a complete sovereign Pakistan' was still 'the unalterable objective of the Muslims in India, for the achievement of which they will, if necessary, employ every means in their power, and consider no sacrifice or suffering too great'. Nevertheless the League, 'having regard to the grave issues involved, and prompted by its earnest desire for a peaceful solution, if possible, of the Indian constitutional problem, and inasmuch as the basis and the foundation of Pakistan are inherent in the Mission's plan by virtue of the compulsory grouping of the six Muslim Provinces in Sections B and C', was willing to co-operate in the constitution-making machinery proposed by the Mission 'in the hope that it would ultimately result in the establishment of complete sovereign Pakistan, and in the consummation of the goal of independence for the major nations, Muslims and Hindus, and all the other people inhabiting the vast subcontinent'. For these reasons the League accepted the scheme; it would however keep in view the opportunity and right of secession of Provinces or Groups from the Union, which had 'been provided in the Mission's plan by implication'. Moreover its ultimate attitude would depend on the final outcome of the labours of the constitution-making body. Lastly, it reserved the right to revise the policy and attitude set forth in the resolution, bearing in mind the fundamental principles and ideals to which it was irrevocably committed.

In spite of Jinnah's insistence that the League's decision was that of the full Council it was naturally, and correctly, regarded as mainly his work. As at Simla the previous month, he had shown himself capable of taking a positive and constructive line, thus confounding the critics who alleged that he invariably negatived every proposal which fell short of his vision of an undefined and impracticable Pakistan, thereby exercising a veto on all constitutional advance. As at Simla too, he had contrived to make a concession without departing in any way from the basic principles of his party. His opponents of course pointed to the reservations

in the resolution and asked whether their combined effect was not more than sufficient to nullify the professed acceptance of the scheme. But there were some Muslim diehards for whom the resolution was too conciliatory. 'It used to be Pakistan or death', lamented the Calcutta *Morning News*. 'It is now neither Pakistan nor death, but a variation of the former and a preparation for the latter.'

The great question was now whether or not Congress accepted the scheme; but this was not to be answered until June 25th. Meanwhile other parties and interests were announcing their official conclusions. On June 10th the Standing Committee of the Chamber of Princes accepted the Mission's scheme as providing the necessary machinery for the attainment by India of independence, which they had supported throughout, and a fair basis for their own participation. They therefore decided to set up the Negotiating Committee envisaged in the scheme.

A very different point of view was expressed by the Scheduled Castes Federation, the organisation of the Untouchables which, under the leadership of Dr. Ambedkar, opposed Congress and the Congress-sponsored All-India Depressed Classes League. The Federation was indignant that there was not a single mention of the Scheduled Castes in the Statement of May 16th. It condemned the provisions in the scheme for safeguarding the interests of the community (viz. the Advisory Committee) as 'absolutely illusory and unworthy of serious consideration'; and pointed out that no seats had been reserved for them in the Constituent Assembly. In fact the number of seats reserved for the Scheduled Castes in the Provincial Legislative Assemblies was sufficient to ensure that, under the system of election proposed by the Mission, some members of the community would be returned to the Constituent Assembly. The trouble was that the method adopted in 1932 for the election of Scheduled Caste representatives to the Provincial Legislatures[1] had had the effect of favouring the candidates sponsored by Congress, with the result that the Federation had been unable to obtain representation in proportion to its following among the Untouchable community. Dr. Ambedkar's personal

[1] See p. 19.

reputation stood high, but he tended to exaggerate the influence of the Federation. This was active mainly in Bombay and the Central Provinces and could not compete in finance or organisation with a rival which enjoyed the powerful backing of Congress.

The Sikhs were even more bitter in their opposition to the Mission's scheme, protesting that the future of their Punjab homelands would be determined in Section B of the Constituent Assembly, with its large Muslim majority. True, there would be no sovereign Pakistan, neither would the Punjab be partitioned; moreover the Sikhs had been recognised as one of the main communities for the purpose of the elections to the Constituent Assembly, although they formed only a minute fraction of the population of British India. But all this did not alter the fact that in Section B they would have no more than 4 seats and the Hindus no more than 9; so that the Muslim majority of 23 would be able to set up a Group which would give them the substance of Pakistan. The Sikhs accused the Mission of having done this 'to placate the Muslims'. The Statement of May 16th recognised 'the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu majority rule'; but was there no similar anxiety among the Sikhs lest they should find themselves subjected to a perpetual Muslim majority rule? And why should not the safeguards governing the decision of 'major communal issues' apply to the Sikhs as well as to the Muslims and the Hindus?

It has been pointed out at the end of Chapter II that there was now very little the British could do for the protection of minorities short of establishing separate States for any who were numerous enough to claim the status of separate nations. The Muslims with their 92 millions might qualify for such treatment; not so the Sikhs, who amounted to no more than 5½ millions and could not even point to a single district of the Punjab where they were in the majority. They might talk of a separate Sikh State, but no one else can have believed that this was a practical proposition. It was becoming clear that the Sikhs would have to rely for their protection mainly upon the influence they already

wielded in the politics of the Punjab; for the rest, there would be the Advisory Committee on minorities. In addition, however, the Mission represented to the two major parties that some special means should be devised to give the Sikhs a strong voice in the Punjab or Section B.

From the first everyone had been agreed that the long-term problem of India's constitutional future and the short-term problem of the interim Government were closely inter-related. While the Muslim League had been opposed to dealing with the question of the interim Government until it was sure that the future constitutional structure would allow for the achievement of Pakistan, Congress on the contrary was reluctant to give its verdict on the Mission's long-term plan until a solution had been found for the short-term problem. It was with this problem of the interim Government that the Mission were mainly concerned during the latter part of their stay. Two questions were involved. First, the status and powers which the interim Executive Council would enjoy; this Congress had already raised, and it was now willing to rest content with the assurances the Mission and the Viceroy had given it. Secondly, there was the question of the allotment of seats between the various parties and interests. Here acute controversy broke out, the matters in dispute being very similar to those which had led to the failure of the First Simla Conference.

Then Lord Wavell had tried to get the agreement of the two parties on a Council composed of Caste Hindus and Muslims in equal proportions, plus some representatives of the minorities. The elections for the Central and Provincial Legislatures had since shown that the great majority of the Caste Hindus and Muslims supported respectively the Congress and Muslim League parties. During the Second Simla Conference therefore Lord Wavell—who as Viceroy was primarily responsible for the composition of his Executive Council—began negotiations on the basis of a Council consisting of five representatives of Congress, five of the League and two of the minorities. At the First Simla Conference Congress had reluctantly accepted the principle of parity between

Caste Hindus and Muslims. It now maintained that its acceptance had been due to 'the stress of war and other conditions', was not therefore to be taken as a precedent, and had been subject to the inclusion in the Council of at least one non-League Muslim. Now, in the entirely changed situation, it was opposed to parity in any form. Parity would only widen the cleavage between the two communities which separate electorates had introduced in the field of modern political institutions; even if it were adopted merely as a temporary expedient it was bound to have evil consequences. Congress itself was in favour of a Council of fifteen members, which it judged necessary for efficient administration and the proper representation of the smaller minorities.

Lord Wavell next proposed a Council of thirteen in place of twelve; this would consist of six representatives of Congress, one of them drawn from the Scheduled Castes, five representatives of the League and two of the minorities. This formula was intended as a compromise between the two opposed views. Congress would have one more representative than the League, therefore there would be no Congress-League parity. On the other hand the League point of view was recognised to the extent of giving it, as before, a monopoly of the Muslim representation, which would be equal to that of the Caste Hindus. Parity in one of its forms would therefore be incorporated.

Jinnah maintained throughout that he had been assured by the Viceroy that there would be no more than twelve portfolios, on the basis of 5: 5: 2. He asserted that it was only on the strength of this assurance, which he had reported to the Muslim League Council, that the Council had accepted the long-term plan. The Viceroy denied that he had given the assurance. In spite of his dissatisfaction Jinnah was ready to put to his Working Committee the 5: 5: 3 formula provided that Congress agreed to it. Congress, however, would have nothing to do with it.

Lord Wavell thereupon tried to arrange a meeting with Jinnah and Pandit Nehru, in the hope that the three of them might together work out an allotment of portfolios based not on any principle such as parity but on a consideration of the ability and

suitability of the men available for the various offices. The attempt failed because Jinnah, true to his principle that the problem of the interim Government depended upon a satisfactory solution of the long-term problem, refused to discuss the former until Congress had given its decision on the Statement of May 16th.

The Mission and the Viceroy now felt that complete deadlock had been reached. Adopting the same technique as had resulted in the Statement of May 16th, they resolved to try and break the deadlock by publishing their own proposals for the composition of an interim Government and inviting the parties to accept them. Their choice of names was of course made with the object of meeting the wishes of both parties and was largely based on tentative lists which these had supplied to Lord Wavell.

The Mission's proposals were issued in a Statement on June 16th. This announced that the Viceroy was inviting fourteen persons to serve as members of the interim Government, on the basis that constitution-making would proceed in accordance with the Statement of May 16th. Then followed the fourteen names, consisting of six Hindu members of Congress, including one from the Scheduled Castes, five members of the Muslim League, one Sikh, one Indian Christian and one Parsee. The Congress names included Pandit Nehru, Sardar Patel and Mr. Rajagopalachari, the League names Jinnah and Liaquat Ali Khan.

This composition was obviously based on the same compromise as the 5: 5: 3 formula, slightly modified to meet the wishes of Congress. It was a perilous compromise because the two fundamentals on which it rested—parity between Caste Hindus and Muslims and the acknowledgment of the League claim to appoint all the Muslim members—had been the chief bones of contention during the First Simla Conference, which had broken down over the second of them. The Statement, however, sought to smooth the way for any sacrifices of principle which might become necessary by providing that this composition of the interim Government was simply an expedient for solving the present difficulty and would not be taken as a precedent for the solution of any other communal question.

The Statement also included a paragraph (No. 8) which must be quoted *in extenso* as its precise meaning was soon to become a matter of great controversy:

'In the event of the two major parties or either of them proving unwilling to join in the setting up of a Coalition Government on the above lines, it is the intention of the Viceroy to proceed with the formation of an Interim Government which will be as representative as possible of those willing to accept the Statement of May 16th.'

The Muslim League, which felt that it had handicapped itself by accepting the long-term plan before Congress had declared its attitude, refused to take a decision on these new proposals until Congress had done so. Meanwhile Jinnah did not neglect to point out that in the proposed Council, as compared with one composed on the original 5: 5: 2 basis, the Muslims would be at a numerical disadvantage in relation both to the Council as a whole and to the Congress bloc therein. To Congress, on the other hand, the new composition still embodied the objectionable principle of parity, in that it gave Muslims equal representation with Caste Hindus. Congress also took exception to certain assurances which Lord Wavell had given to Jinnah. Their broad effect was that during the life of the interim Government no changes in its communal proportions or in the representation of the minorities would be made without the consent of the two main parties; and that it would in the nature of things be impracticable for the interim Government to take any decision on a major communal issue if the majority of the representatives of either of the main parties were opposed to it. Congress objected that this amounted to giving the League a veto both in matters touching the composition of the Council, with some of which it would have no direct concern, and over a wide field of the Council's business. It protested that its previous willingness[1] to accept a rule that a majority of each of the two main parties should be necessary for the decision of major communal issues had applied only to a Government which would be responsible to the

[1] See p. 90.

Legislature and 'composed of representatives on the population basis of major communities'. If the rule were to be applied in the Council now in view it would make administration impossible and deadlocks a certainty.

It is conceivable that these difficulties, grave as they were, might have been overcome had there not arisen an even more serious ground of disagreement which touched the fundamental postulates of each party and was fiercely argued by the press throughout the country. This was the old question of the inclusion of a non-League Muslim which had broken down the First Simla Conference. Then Congress had wanted a 'Nationalist' Muslim included in the Muslim quota of representatives; now, according to press reports, it wished to substitute a Muslim of its own choice, Dr. Zakir Hussain, for one of the Congress Hindus named in the Statement of June 16th. Jinnah at once objected in the strongest terms that no Muslim who was not a Leaguer should be allowed to sit on the Council; and he took care that his objection should be made public. He had in fact advanced from insisting that the League monopoly of the Muslim membership should apply in a Council composed on a communal basis to insisting upon its application in a Council composed predominantly on a party basis. To this there was an indignant reaction by Congress, which resented what it felt was an attempt by another party to dictate limitations on its choice of nominees, in fact to impose upon it the character of a Hindu rather than a national and non-communal body.

Lord Wavell and the Mission did not accept Jinnah's principle in its new form; but they knew it would be hopeless to expect the League to countenance any proposals for an interim Government which included a non-League Muslim. The Viceroy therefore told the Congress President that they would be unable to accept any request of this kind, and he pointed to the provision in the Statement of June 16th that the composition of the Council there proposed would not be a precedent for the solution of any other communal question.

Congress confirmed that it did in fact wish to suggest the name of a Muslim in place of one of the Congress Hindus on the list,

and it stood firmly upon its right to make such a suggestion. Indeed the public controversy which this issue had aroused would have made it difficult to withdraw; for even at this stage Congress was not prepared to give way to a public challenge to its position as an organisation representing the whole Indian people. Its Working Committee, meeting on June 25th, decided that because of this and its other reasons for dissatisfaction with the proposals in the Statement of June 16th it could not accept them.

The resolution announcing this decision also gave the long-delayed Congress verdict on the Statement of May 16th. On some of the matters arising from that Statement which Congress had raised with the Mission it had received assurances or explanations in which it was prepared to acquiesce; on another—the question of European participation in the Constitutent Assembly elections—its grievance was soon to be removed by the decision of the Europeans to abstain. There remained the so-called compulsory grouping of Provinces, on which Congress had interpreted the Statement in a sense contrary to the Mission's intentions, that is to say, so as to allow the representatives of the Provinces in the Constituent Assembly to choose in the first instance whether or not they should belong to the Sections in which the Mission's proposals had placed them. The Congress resolution now declared its acceptance of the Statement of May 16th, but in his letter conveying this decision to the Viceroy the Congress President said that his party adhered to its own interpretation of the relevant passages.

The League's acceptance had been hedged about with reservations to an extent which threw doubt upon its genuineness; the Congress acceptance was even more open to question, for it was accompanied by a claim to interpret the Statement in a way which its authors had repudiated and which destroyed the basis of the compromise they had been at such pains to devise. Perhaps the Mission should have taken up the challenge by refusing to regard Congress as having accepted the scheme in good faith unless it accepted also their interpretation. But this would have meant prolonging the negotiations with only the faintest of hopes

that Congress would withdraw from the position it had so firmly and publicly assumed. Congress knew in fact that without its participation the Constituent Assembly would be a farce; it concluded that it would be able to enter the Assembly on its own terms.

The facts of their situation, including the physical facts, predisposed the Mission not to lay stress on the obvious anomaly in the Congress acceptance. For nearly three months they had been negotiating at high pressure, chiefly in the extreme heat of the Delhi summer—a heat now made even more trying by the dampness which precedes the monsoon. They all had work of the greatest urgency waiting for them at home. If as a result of their efforts the two parties came together, with whatever differences of view and objective, in the same Constituent Assembly, was it too much to hope that between them they would contrive some settlement on the broad lines of the future constitution? Once again there was every temptation to believe that if only Congress and the League were brought face to face with a shared responsibility, they would rise to the opportunity and achieve a bloodless salvation.

It was natural enough, then, that the Mission should content themselves with impressing on the Congress President that according to the Statement of May 16th the procedure for dividing up into Sections could be altered only by a resolution of the Constituent Assembly passed by a majority of both communities.

It remained for the League to declare its decision on the proposals in the Statement of June 16th—which it had refused to do in advance of the Congress decision. On the evening of June 25th—when the contents of the Congress resolution were known—the Mission and the Viceroy had an interview with Jinnah. They told him that the acceptance by Congress of the Statement of May 16th, combined with its rejection of the proposals for an interim Government, brought into operation paragraph 8 of the Statement of June 16th. That is to say, the scheme for an interim Government on the basis proposed had fallen to the ground; but

the Viceroy would re-open negotiations with the aim of forming a Government as representative as possible of those who had accepted the Statement of May 16th. By their acceptance of this Statement Congress and the League had both qualified for inclusion in the new Government. However, in view of the long negotiations which had already taken place and since all the participants had other work to do, the Mission felt it would be better to have a short interval before the Viceroy began this new phase of the negotiations. Further reasons for delay were the preoccupation of the political leaders with the Constituent Assembly elections, which were now imminent, and the fact that the Congress Working Committee had arranged to meet the All-India Congress Committee at Bombay on July 8th in order to seek endorsement of their policy in the negotiations with the Mission.

Jinnah went straight from the Mission and the Viceroy to a meeting with his Working Committee, which forthwith passed a resolution accepting the proposals in the Statement of June 16th. Whether he told them what he had just heard from the Mission is not known. Afterwards, when Lord Wavell in a letter assumed that he had done so, he replied to the effect that whatever the Mission and the Viceroy had said to him at the interview, they had not conveyed their views to him *officially* before the meeting of the Working Committee, although he had asked them to do so; the Viceroy's letter confirming what they intended to do had not reached him until after the Working Committee's resolution had been passed. 'If you wish', he added, 'to take the credit that some indication was given to me of the change on your part in the course of the interview, where we discussed so many things, you may do so.'

Some light was shed on this episode by a Statement which Jinnah now issued to the press and by correspondence between him and the Viceroy. He made it clear that he interpreted paragraph 8 of the Statement of June 16th to mean that if Congress rejected the interim Government proposals but the League accepted them the Viceroy would be bound to form at once a

Government consisting of representatives of the League and of any other parties which had accepted the Statement of May 16th. In such a Government the League would of course predominate. Jinnah bitterly accused the Mission and the Viceroy of a breach of faith and demanded the postponement of the Constituent Assembly elections. In the Mission's eyes, however, paragraph 8 gave ample justification for the course they had decided to adopt; and indeed, if a Constituent Assembly without Congress would be a farce, an interim Government without Congress might well lead to disaster.

As the negotiations for an interim Government had failed and as the existing Executive Council had lost some of its members by resignation, the Viceroy set up a temporary caretaker Government of officials to function until such time as his negotiations with the political leaders could be renewed and bear fruit. This was indeed a disappointing outcome; but its very inadequacy meant that the interval before the negotiations were reopened must be as short as possible.

The Mission left India on June 29th. It then looked as if their achievement had been to open a way which would bring the political leaders together to work out a constitution for India on an agreed basis and according to an agreed procedure. They might indeed have claimed that, but for them, Congress would by now have been leading a violent struggle for independence which would have been only the prelude to a struggle with the Muslims for the power the British would have been compelled to give up. As it was, the constructive energies of the political leaders of all parties had been diverted from revolution to constitution-making.

But it was soon to be proved that this estimate of the Mission's tangible achievements was too optimistic. In spite of appearances they had not succeeded in persuading either party to move substantially from the position on which it had fought the elections earlier in the year. Congress still stood for the unity of the country with a strong central authority; its acceptance of the long-term plan was vitiated by its insistence on interpreting a crucial passage so as to suit these ends. The League, even in

accepting the plan, had avowed that it still stood by its objective of Pakistan; and its acceptance was soon to be withdrawn. This would limit the constructive achievement of the Mission to that of having helped in the setting-up of a Constituent Assembly which was to be dominated by Congress and from which the League was to stand aside.

Yet, as events were soon to show, the Mission's visit was to have an immediate and radical influence on future developments. For its effect, foreshadowed by Lord Wavell's work during the past year and by Mr. Attlee's speech announcing the Mission's appointment, was to convince political India at last of Britain's readiness to give up her power and take her departure. Whatever doubts may have remained in the minds of the Indian leaders before the Mission's arrival were dissolved as a result of the almost daily personal contacts and the negotiations on matters of detail. To Congress the realisation that the British were about to leave was wholly welcome; the present was a stimulant to action, the future a vista of brilliant possibilities. In this buoyant atmosphere its relations with the British steadily improved. For the League, on the other hand, the more imminent the British withdrawal became the more cause was there for anxiety lest the Muslims should be by-passed and power transferred in such a way as to make Hindu India the sole beneficiary. This nervous apprehension was at the root of the various misunderstandings in which Jinnah was involved with the Mission and the Viceroy and which marked the beginning of an unfortunate estrangement between Muslim India and Britain. But whatever changes there might be in the relations of Congress and the League with the third party, henceforth neither of them could seriously believe that a war of independence against the British would be a necessary preliminary to the realisation of its own objective. Since there was not going to be any need to expel the British, the stage was set for their mutual struggle for the inheritance of power. Thus the danger which was becoming increasingly to be feared was civil war on the still unresolved issue of unity or partition.

CHAPTER IV

THE INTERIM GOVERNMENT AND THE CONSTITUENT ASSEMBLY

DURING THE three months of the Mission's stay in India the country had remained calm, awaiting in the heat the outcome of the negotiations. The political leaders had on the whole refrained from uncompromising or provocative utterances, and there had been a notable absence of both communal disturbances and acts in defiance of authority. But as soon as the Mission had left the precarious nature of their achievement became only too evident, for each of the major parties rapidly abandoned all semblance of compromise. Neither can escape a share of responsibility for the bloodshed which was so soon to follow.

When the All-India Congress Committee met on July 8th it ratified by an overwhelming majority the Working Committee's resolution of June 25th defining its attitude towards the Mission's proposals. Such opposition as appeared came from the Socialists within the party, who hankered after a new struggle against the British in the tradition of 1942. However, the session was chiefly significant because of some remarks by Pandit Nehru, who had now succeeded Dr. Azad as Congress President. 'So far as I can see,' he said, 'it is not a question of our accepting any plan, long or short. It is only a question of our agreeing to go into the Constituent Assembly. That is all, and nothing more than that. We will remain in that Assembly so long as we think it is good to India, and we will come out when we think it is injuring our cause and then offer our battle. *We are not bound by a single thing except that we have decided for the moment to go to the Constituent Assembly*, not certainly to deliver fine speeches but to build something to overcome some of our problems.'

When asked at a Press Conference to amplify the words I have italicised, Pandit Nehru gave this explanation: 'If you read the

correspondence that has passed between the Congress President and the Mission and the Viceroy you will see in what conditions and circumstances we agreed to go into this Constituent Assembly, and we have agreed to nothing else. It is true that in going into the Constituent Assembly inevitably we have agreed to a certain process by going into it. That is the election of candidates to the Constituent Assembly. What we do there, we are entirely and absolutely free to determine. We have committed ourselves on no single matter to anybody. Naturally even though one might not agree to commit himself, there is a certain compulsion in the facts which makes one accept this thing or that thing. I do not know what that might be in this particular context. But the nature of compulsion of the facts would be not of the British Government's desires or intents, but how to make the Assembly a success and how to avoid its breaking up. That will be certainly a very important consideration. But the British Government do not appear there at all.'

After emphasising that the Constituent Assembly would be a sovereign body despite the Mission's two provisos,[1] Pandit Nehru forecast that in all probability there would be no grouping owing to the reluctance of the smaller Provinces in the north-western and north-eastern Sections to associate themselves with the greater. Assam, he declared, would not tolerate grouping in any circumstances whatever. Similarly, the North-West Frontier Province and Sind would refuse to group themselves with the Punjab. (So far as Assam was concerned, this prediction was soon to receive support; for the Provincial Legislative Assembly, which had a Congress majority, passed a resolution directing its representatives in the Constituent Assembly not to go into a Section with Bengal—as was provided in the Mission's plan—and not to co-operate with any other Province in framing Assam's constitution.)

Pandit Nehru went on to prophesy the inevitable enlargement of the powers of the Union Centre. Defence and Communications would embrace the large number of industries necessary for their

[1] See pp. 88–9.

support, Foreign Affairs must inevitably include foreign trade policy. It was equally inevitable that the Union should raise its finances by taxation rather than by any system of contributions or doles subscribed by the Provinces. Finally, the Centre must obviously control Currency and Credit; and it must deal with inter-provincial disputes and administrative or economic breakdowns, such as might occur in times of famine.

All this showed how widely different were the views of the Congress High Command from those of the Mission on what was implied in acceptance of the Statement of May 16th. The Mission had invited acceptance of the Statement as an agreed basis for negotiation to which the parties would voluntarily consent, limiting their freedom of action only so far as was necessary to accommodate each other on a common platform for constitution-making. On this view Congress acceptance must involve concurrence in the two features of the scheme which were designed to make it palatable to the League, that is to say, the procedure governing the formation of Groups and the strict limitation of the powers of the Centre. Pandit Nehru now implied that he saw no inconsistency between acceptance of the Statement and entry into the Constituent Assembly with the avowed intention of torpedoing the scheme on just these two points. He seemed to be deliberately misinterpreting to his followers the Mission's role of mediator and representing them as the agent of the imperial power forcing their unwelcome award upon a subject people. No doubt his attitude can be partly explained by the fact that he was under fire from his left wing, always apt to reproach him with deserting the path of revolution for that of collaboration. No doubt also the representatives of the smaller north-western and north-eastern Provinces—especially Assam with its Hindu majority—were appealing to him to save them from being relegated to Groups where the League would be dominant. Yet the over-riding motive for his posture of defiance was surely the belief that now at last the day of power was at hand. The imminent departure of the British was assured and the Muslim League could be pushed aside, or swamped, by the

national will for freedom in unity. As in 1942, when the belief that British power was about to crumble before the Japanese advance had encouraged Congress in its intransigence towards the Cripps Offer, so now its under-estimate of the strength of Muslim feeling led it to suppose that its supremacy was unassailable and so to make the tragic error of over-playing its hand.

The Muslim League had already arranged for its Council to meet at the end of July in order to review its decision to accept the Statement of May 16th. In its eyes the need for this review arose, first, from the alleged breach of faith by the Mission and the Viceroy in postponing the formation of the interim Government and, secondly, from the reservations which Congress had attached to its acceptance of the Statement. Pandit Nehru's remarks at the All-India Congress Committee's session drove the League leaders to emphasise still further these grounds for their sense of ill-treatment and to demand that the British Government first, should make it clear, when Parliament debated the work of the Cabinet Mission, that they did not regard the so-called acceptance by Congress as genuine and second, should restate what in their view would be the basis for, and the powers of, the Constituent Assembly.

This demand was met to a limited extent. Sir Stafford Cripps' speech in the House of Commons contained an exposition of the Constituent Assembly procedure in which he reaffirmed that the meeting together of the Provincial representatives in the three Sections in order to decide whether Groups should be formed was an essential feature of the scheme; while Lord Pethick-Lawrence in the House of Lords stressed that those who entered the Constituent Assembly would be bound by the procedure laid down in the Statement. But these mild assurances were given in a mood very different from that in which the League Council met on July 27th. The members were out to prove once more their fanatical determination to achieve Pakistan and to demonstrate the extent of their bitterness against Congress and the British who, they believed, stood between them and their ideal. In a speech lasting two and a half hours Jinnah reviewed once more

the recent negotiations, accusing Congress of planning to dominate the Constituent Assembly by its 'brute majority' in open disregard of the fundamentals of the Mission's plan; and accusing the Mission of having gone back on their plighted word in face of Congress threats to launch another violent struggle. He called upon Muslims to rely henceforth upon their own strength alone. The speakers who followed for the most part vied with one another in echoing this militant tone. Finally the Council passed a unanimous resolution withdrawing its acceptance of the Statement of May 16th. A further resolution declared that the time had come for the Muslim nation to resort to direct action to achieve Pakistan, directed the Working Committee to prepare forthwith a programme for this purpose, and called upon Muslims, 'in token of their deep resentment of the attitude of the British', to renounce forthwith any titles conferred upon them by an alien Government. Suiting their action to their words, a number of members of the Council immediately proclaimed their renunciation of their British titles.

The Working Committee followed up the Council's resolution by calling upon Muslims throughout India to observe August 16th as 'Direct Action Day'. On that day Muslims throughout India were bidden to hold meetings where the Council's resolutions would be explained; but this would not in itself be 'direct action', and they were enjoined to act peacefully and with discipline. In general League spokesmen were at pains to disavow that 'direct action' would lead to communal riots or to disorder of any kind. The resolution, said Jinnah, was not a declaration of war against anyone: 'it is nothing but a statement about the steps which we propose to take for our own self-preservation and self-defence'. Congress, he alleged, was preparing to launch a mass civil disobedience struggle; the British were taking precautions against revolutionary violence from any quarter; the nations of the world were arming to the teeth with atomic bombs, but were at the same time continuing discussions. Why should the Muslim League alone be expected to sit with folded hands?

The League thus abandoned constitutional methods for the first time in its career. If Pandit Nehru and Congress had been guilty of provocation, their rival had now laid itself open to the charge of precipitancy. Its position would surely have been much stronger if, instead of reversing its attitude owing to its dissatisfaction, however well-founded, with the resolutions and Presidential utterances of Congress, its representatives had entered the Constituent Assembly and waited for Congress to commit an actual breach of the prescribed procedure before staging a withdrawal. And if Congress had attached reservations to its acceptance of the Statement, had not the League's original resolution of acceptance contained a proviso designed to safeguard the ultimate objective of a completely sovereign Pakistan? Above all, the extremely bellicose atmosphere of the League Council's session could only inflame political feeling throughout the country.

The Congress Working Committee did indeed make some attempt, if not at conciliation, at least to explain away the ambiguities in its policy to which the League so strongly objected. A resolution passed on August 10th declared that while the Committee did not approve of all the proposals in the Statement of May 16th, they accepted the scheme in its entirety. But this unequivocal pronouncement was followed by two paragraphs which were by no means so clear. The Committee, ran the resolution, interpreted the Statement 'so as to resolve the inconsistency contained in it, and fill the omissions in accordance with the principles laid down in that Statement. They hold that Provincial autonomy is the basic provision, and each of the Provinces has the right to decide whether to form, or join, a Group or not. The question of interpretation will be decided by the procedure laid down in the Statement itself, and Congress will advise its representatives in the Constituent Assembly to function accordingly'. (The procedure referred to was the taking of advice from the Federal Court, for which the Statement had provided in order to help the Chairman of the Constituent Assembly in certain cases to decide whether resolutions before the Assembly raised major communal issues.)

'The Committee have emphasised the sovereign character of the Constituent Assembly, that is, it has the right to function and draw up a constitution for India without interference from any external power or authority, but the Assembly will naturally function within internal limitations, which are inherent in its task, and will further seek the largest measure of co-operation in drawing up a constitution for a free India, allowing the greatest measure of freedom and protection for all just claims and interests.'

It is unlikely that anything Congress could have done would, in the prevailing temper of the League, have brought about so soon a fresh reversal of its tactics. A resolution of this kind certainly could not do the trick. No wonder that Jinnah complained that it 'does not carry us anywhere', and asked what were the checks, external or internal, which could prevent the 'brute majority' of the Assembly from taking decisions which contravened the Mission's plan.

By the end of July the elections had almost been completed for the 296 seats in the Constituent Assembly assigned to the representatives of the British Indian Provinces; the method of electing the 93 representatives of the Indian States had yet to be decided. The two major parties surpassed their triumphs at the elections of the preceding winter. Congress won 205 seats, including all the General seats except nine; the Muslim League won 73 seats, that is, all but five of the seats allotted to Muslims. The Sikhs first of all declared a boycott of the elections owing to their dissatisfaction with the Mission's plan. Later, however, they reversed this policy and elected their four representatives. They attributed this change of front partly to certain utterances of the Secretary of State and the Viceroy, but mainly to a resolution of the Congress Working Committee recognising that the Mission's proposals were unjust to the Sikhs and promising to support them in securing safeguards for their protection.

Assuming that the representatives of all parties did in fact attend the Assembly, the crucial question whether Groups would be formed depended on who would command the respective majorities in Sections B and C. In the former, consisting of the

representatives of the north-western Provinces, the Muslim League would have a majority of 19 against 13; the establishment of a Group therefore seemed a foregone conclusion. In Section C (Bengal and Assam), however, it was much less clear what the outcome would be. With the League holding 35 seats, Congress 32 and Independents 3, it was quite possible that a vote on the grouping issue would result in a tie.

But when the Muslim League had withdrawn its acceptance of the Mission's plan it had announced that its representatives would not take their seats in the Constituent Assembly, although they would not resign them. The whole future of the Constituent Assembly, as well as the interim Government, thus lay in the balance, presenting Lord Wavell and the British Government with a situation of the utmost difficulty. Paragraph 8 of the Statement of June 16th still held good, pledging the Viceroy to proceed with the formation of an interim Government consisting of representatives of those who had accepted the long-term plan; in the new situation this meant Congress and the smaller minorities. But if he were thus to form a Government dominated by Congress he would risk a violent outbreak by the League, which was already accusing the British of conspiring with Congress to crush the Muslims. On the other hand, if he were to postpone either forming an interim Government or summoning the Constituent Assembly he would have to face the formidable hostility of Congress, always suspicious that he was conspiring with the Muslim League in order to prolong British power. Moreover he would be failing to honour all the British undertakings to hasten constitutional advance, including Mr. Attlee's assurance that a minority would not be allowed to place a veto on the advance of the majority. Nor had it ever been intended that the Caretaker Government should be more than a stop-gap.

Already before the Muslim League withdrawal Lord Wavell had approached Pandit Nehru and Jinnah with proposals for an interim Government on the basis 6: 5: 3—the basis recommended in the Statement of June 16th; the question of including a 'Nationalist' Muslim was dealt with by the stipulation that it

would not be open to either Congress or the League to object to names submitted by the other, provided these were accepted by the Viceroy. On July 31st, two days after the fateful resolution of the League Council, Jinnah replied strongly criticising these proposals on the ground that, in order to appease Congress, departures had been made from previous proposals on points vital to the League. Nevertheless, a few days later Lord Wavell decided to take the course dictated by logic and expediency and, with the approval of the British Government, he invited Pandit Nehru as Congress President to make proposals for the immediate formation of an interim Government. Pandit Nehru at once accepted, and hastened to seek Jinnah's co-operation in forming a coalition. The two men met: but Pandit Nehru's proposals were on the same lines as the Viceroy's, and Jinnah was even less disposed to accept them from Congress than from the British. Never before had he been so distrustful and so uncompromising; in a published statement he spoke with unprecedented bitterness of 'the Caste Hindu Fascist Congress and their few individual henchmen of other communities who want to be installed in power and authority in the Government of India to dominate and rule over Mussalmans and other minority communities of India, with the aid of British bayonets'.

In the event the composition of the new interim Government was settled between Lord Wavell and Pandit Nehru. On August 24th the names of 12 out of its 14 members were announced. These comprised five Caste Hindu members of Congress, includ-Pandit Nehru, Sardar Patel and Mr. Rajagopalachari: one Congress member of the Scheduled Castes: three non-League Muslims, one of them a member of Congress: one Sikh: one Indian Christian: and one Parsee. Two more Muslim members were to be appointed later.

This certainly put Congress in the saddle; but in a broadcast on the formation of the new Government the Viceroy emphasised once more the need for a coalition in which both main parties would be represented. It was still open to the Muslim League, he asserted, to propose five names for places in the Government of

14, of which six would be nominees of Congress and three representatives of the minorities. Provided these names were acceptable to the Viceroy and the King they would be included in the Government, which would at once be re-formed. He assured the League that they need have no fear of being outvoted on any essential issue: a coalition Government could only exist and function on condition that both parties to it were satisfied. He would see that the most important portfolios were equitably shared.

Lord Wavell also appealed to the Muslim League to reconsider its decision not to enter the Constituent Assembly whose work, he emphasised, must begin as early as possible. He assured the League that the procedure laid down in the Statement of May 16th for the framing of Provincial and Group constitutions would be faithfully adhered to; that there could be no question of any change in the fundamental principles proposed for the Assembly in paragraph 15 of the Statement, nor of major communal issues being decided without the consent of both major communities; and that Congress was ready to agree that any dispute of interpretation might be referred to the Federal Court.

However, as *Dawn* remarked, it would be Congress and not Lord Wavell who would be in the Constituent Assembly; and nothing that had been said to meet Jinnah's objections to entering either the Assembly or the interim Government went far enough to bring about so soon a fresh reversal of League policy. The League continued to regard the new Government as the outcome of an abject surrender by Britain in the face of Congress threats. When the new Members assumed office on September 2nd Leaguers throughout India hoisted black flags on their houses and places of business.

Even outside the League there was some criticism of the appointment to three out of the five Muslim seats of 'Nationalist' Muslims whom the recent elections had shown to have little or no support in the Muslim community; it was felt that all five seats should have been left vacant in anticipation of the League changing its heart. But to the great majority of political Indians the accession to the country's executive of leaders of her foremost

nationalist organisation was an immensely significant landmark on the road to independence and hence a matter for rejoicing and self-congratulation. Since there had been no formal constitutional change the new Government was still nominally 'the Viceroy's Executive Council'; but in Congress circles it came to be referred to as 'the Cabinet'; and Pandit Nehru, who assumed the statutory office of Vice-President of the Council, was regarded by his followers as the Prime Minister. It was rightly felt that the replacement of an executive which had looked to the Viceroy and ultimately to Whitehall by one which felt itself responsible to political organisations in the country was a change of revolutionary dimensions.

Yet even before the composition of the new Government was announced, there had occurred a tragedy which clearly indicated that the abstention of the Muslim League was a matter of the gravest importance and might prove fatal to all hope of peaceful political evolution. August 16th, the League's 'Direct Action Day', passed off without disturbance everywhere excepting Calcutta; but there it saw the start of the 'Great Calcutta Killing' which lasted for four days and involved immense slaughter and destruction. Official estimates were to give the huge figures of 4,000 people killed and 10,000 injured, showing that far more blood had been shed than in any other communal riots throughout all the years of British rule. The League Government of Bengal had declared August 16th a public holiday, but had failed to take precautions against this being interpreted as an invitation to disorder. From the 17th British troops were called in, and with their help the frenzy was quelled. Meanwhile, though the party leaders within the Province and elsewhere appealed for peace, accusations by Congressmen that the Ministry were responsible for inciting the Muslims to violence were met by counter-charges—to which even Jinnah lent his support—that Congress had fomented the rising in order to discredit the Ministry. When the interim Government took office at the beginning of September there were serious clashes in Bombay—though they were small in scale compared with the Calcutta massacres. Gandhi

expressed the ubiquitous feeling of apprehension when he wrote: 'We are not yet in the midst of civil war. But we are nearing it. At present we are playing at it.'

This perilous situation was evidently an important contributory cause of the more favourable attitude which Jinnah now showed towards League participation in the interim Government. But even more compelling seems to have been the spectacle of Congress in power, with so large a measure of control over the administrative machine; of Congress laying down policies on foreign affairs, defence, trade and so much else with no apparent regard to the possibility of the partition of India or even the formation of Groups with economic policies of their own. The Muslim League could not afford to stand aside while its rival consolidated its power in this way, and at the beginning of October Jinnah had separate discussions and correspondence with Lord Wavell and Pandit Nehru on the conditions for the League's entry into the Government. There were a number of points at issue, notably the right of Congress to nominate a 'Nationalist' Muslim to one of its quota of seats, the method of settling major communal issues, the method of filling vacancies in the minority seats, and the distribution of portfolios. On all these points, and on some of lesser importance, Jinnah was able to reach little or no agreement with either the Viceroy or Pandit Nehru; in particular, Congress refused to waive its right to nominate a Muslim and Lord Wavell supported it to the extent of insisting that each party must be equally free to nominate its own representatives. Nevertheless the League, while not approving the terms on which the Viceroy was prepared to reshape the Government, decided to accept his offer and put forward five names. The composition of the reconstituted Government was announced on October 15th. In order to accommodate the League nominees it was necessary for one of the Congress Members to resign; it is significant that in the event this was one of the Caste Hindus (Mr. Sarat Chandra Bose), while the Muslim Congressman (Mr. Asaf Ali) remained. The Congress member of the Scheduled Castes and the three minority representatives kept their

seats. The League nominees included only one of the party's leading figures—Mr. Liaquat Ali Khan,[1] who became Finance Member. On the other hand, to the general surprise, they included a Scheduled Caste Hindu belonging to Dr. Ambedkar's organisation which vigorously challenged the right of Congress to speak for the Untouchables. The future was to give no support to the conjectures of those who saw in this move the beginning of a revolutionary change in the character of the League away from that of a body exclusively concerned with Muslim interests. The League simply chose this method of retaliation for the Congress insistence on keeping one of its own Muslims in the Government.

Opinions differed on what were the League's intentions in thus entering the Government without having reached agreement with either Viceroy or Congress. Some thought that a new epoch of communal co-operation was about to open, others that the League bloc would have no purpose but to obstruct whatever Congress wanted to do. Mr. Liaquat Ali Khan made the reassuring announcement that the League was entering the Government in the interests, not merely of the Muslims, but of all the people of India; the new Members, he said, were determined to work in harmony with their colleagues. He made it clear, on the other hand, that there could be no question of a convention, such as Congress had hoped to build up, establishing collective responsibility. This divergence from the Congress idea of the Government's nature was to acquire greater prominence later on.

The League had thus modified its policy of 'direct action'. If the 'Calcutta Killing' had made it more ready to do this, it seems to have been brought to the point of decision by the fact that a fresh outbreak of disorder was now attracting attention and causing controversy throughout the country. Since the August massacres Calcutta had been uneasy, with constant incidents of violence; communal clashes had also occurred to the east, in Dacca. Now, from about October 10th, there came reports that

[1] After the passing of the League Council's resolution calling upon Muslims to renounce titles granted by an alien Government, he had announced that although the prefix 'Nawabzada' had not been conferred upon him by the British, he wished to be addressed in future as 'Mr.'.

in certain parts of the Noakhali and Tippera districts of East Bengal the Muslims, who were in the majority, were carrying out an organised persecution of the Hindus. Refugees spread stories of murder, looting, arson, forcible conversions, the abduction of women, and forcible marriages; the area of panic widened, and Hindus far from the centres of trouble fled from their homes. The Hindu press gave great prominence to accounts of atrocities and, as in August, the Bengal Government was accused of neglecting to take precautions, of inefficiency, dilatoriness and partisanship. The Muslim papers retorted with the charge that the Hindus had deliberately exaggerated the extent of the disturbances and had thus created panic, all with the object of blackening the Muslim League Government and the League itself. The districts concerned were extensive, remote, and isolated by bad communications; hence Government action was hampered and rumour had full play. However, troops were moved in, as well as armed police, the R.A.F. dropped leaflets appealing for peace, food and medical supplies were despatched, and some 50,000 refugees were accommodated in relief camps. By the end of the month the situation was under control. The conclusion reached by the Governor (Sir Frederick Burrows), after two flights over the area, was that there had been no general rising of Muslims against Hindus; but, he reported, 'the disturbances have been caused by a body of hooligans who have exploited the existing communal feeling and who, as they range the countryside, are temporarily joined in each locality by belligerent Muslim roughs'. The official verdict was also that there had been heavy destruction of property and large numbers of forcible conversions, but probably less than 200 deaths.[1] No estimate was made of the numbers injured, but it was noticed that practically none of the refugees or those who remained in their villages showed marks of injury.[2]

The attitude of some newspapers and some politicians on both

[1] Replies by the Parliamentary Under-Secretary for India on October 21st and November 4th to questions by Messrs. Nicholson (Hansard 427 H.C.DEB. 5s, Cols. 1317–18), Wyatt and Butler (Hansard 428 H.C.DEB. 5s, Cols. 1054–6).

[2] Statement circulated by the Secretary of State for India with the House of Lords Official Report, November 27th (Hansard, Vol. 144, Cols. 459–60).

sides was certainly inflammatory enough. In the more extreme cases they alleged that the disturbances had been deliberately organised by their opponents, either directly or as *agents provocateurs*. But the leading figures in Congress and League alike condemned all violence and implored their followers to keep the peace and avoid reprisals. Gandhi went to Calcutta and thence to East Bengal, where he stayed for some months working for the restoration of peace. At the beginning of November four members of the Government, Pandit Nehru, Sardar Patel, Liaquat Ali Khan and another Leaguer, Sardar Abdur Rab Nishtar, visited Calcutta on a similar errand. The maintenance of law and order was primarily the responsibility of the Provincial Government, but the Central Ministers felt themselves intimately concerned with events which threatened to upset everything they were trying to do. Hardly had they arrived, however, when they heard that massacres had broken out in the southern districts of Bihar, and they at once hurried to the scene. Reports of Muslim violence to Hindus in East Bengal, whether conveyed by refugees or in sensational press accounts, had so inflamed the local Hindus that they fell upon the Muslim minority, exacting a terrible vengeance. Pandit Nehru was later to tell the Central Assembly that 'it was in essence a mass uprising of large numbers of peasants, burning and killing mercilessly'. Again the military were called in; again the political leaders, All-India and Provincial, appealed and worked for peace. The Viceroy visited the Province, and Pandit Nehru and Sardar Nishtar, who stayed there for some days, made vigorous and effective speeches, neither of them hesitating to condemn the members of his own community who had brought disgrace upon it in Bihar and Bengal. Yet although order was restored after a week or ten days, it was estimated that some 5,000 people had been killed.[1] This was admittedly a conjectural figure; Congress put the number of deaths at about 2,000, while Jinnah in a letter to the Viceroy referred to 'reliable estimates' of 30,000 killed and 150,000 refugees. The extent of the Bihar

[1] This is the figure shown in the Statement by the Secretary of State for India cited above.

casualties was also the occasion for a battle of words in the Council of State (the upper house of the Central Legislature) between Sardar Nishtar and one of his Congress colleagues in the interim Government, Dr. Rajendra Prasad.

The communal madness spread westwards to the United Provinces. At Garhmuktesar, where an enormous crowd of pilgrims was assembled for the annual fair, a trivial quarrel over admission to a side-show led to a massacre of Muslims. In a neighbouring village with a Muslim majority, these retaliated by slaughtering every Hindu. This led to counter-reprisals elsewhere, resulting in several hundred deaths. Meanwhile Bombay had been continuously disturbed: between September 2nd, when the interim Government had first taken office, and November 18th, 622 people had been killed there.

The strain and exasperation produced by these outbreaks contributed to the friction which now became so evident between the Congress and League blocs in the interim Government. Another cause was the radical difference in their views of their own status and functions. Congress emphasised the British undertakings to give the new executive the greatest possible freedom in day-to-day administration and to treat it 'with the same close consultation and consideration as a Dominion Government'. During the weeks preceding the entry of the Leaguers, the Congress bloc and the minority representatives had worked as a team, building up a convention of joint responsibility. In fact they regarded themselves, with whatever technical inaccuracy, as a Cabinet—a term also used by the Viceroy in his correspondence with Jinnah. This convention was designed to give them the maximum freedom from control by the Viceroy or the British Government; and it thus enabled the Congress High Command to assure their left-wing critics that they had achieved the reality of power and had not abandoned their ideals by co-operating with the British instead of fighting them. The League, on the other hand, as soon as it joined the Government took its stand on the strict constitutional position. In its eyes the Government was no more than the Viceroy's Executive Council

under the Act of 1919;[1] to call it a 'Cabinet' was a complete misconception; and the constitution gave no special position of pre-eminence to the Vice-President—the office held by Pandit Nehru—beyond that of presiding at meetings of the Council when the Viceroy was absent. The League bloc had entered the Government with the avowed object of holding Congress in check, lest anything should be done which might prejudice the settlement of the long-term issue. In this campaign one of their chief weapons was the emphasis on legality—which might even drive them to invoke the Viceroy's special powers in order to save themselves from being overridden by the Congress majority.

To Congress such an attitude was simply reactionary. From its standpoint the League was playing into the hands of the British whose aim, it alleged, was to perpetuate their power by holding the balance between the parties. Addressing the Subjects Committee of the All-India Congress Committee on November 21st, Pandit Nehru accused the Leaguers of taking help from the British Government and opposing the national struggle, and the British of trying to make the League into the 'King's Party'. The British officials, he continued, were against Congress because it had been fighting for the removal of the British Government; and since the League was also anti-Congress there was a 'mental alliance' between the two. During the past few weeks these things had driven the Congress representatives in the Government almost to the point of resigning; in fact, he had had to tell the Viceroy on two occasions that they wanted to do so. However, their present intention was to stay, though he could not say for how long.

When Liaquat Ali Khan, in a statement replying to these charges, protested that the League bloc had never once invoked the Viceroy's special powers nor asked for his or the British Government's intervention in any matter, Pandit Nehru retorted that, whatever might be the League's intention, its policy of stressing the legal position and preventing the Government from functioning as a Cabinet must inevitably make it into a kind of

[1] See p. 18.

King's Party and increase the power and influence of the Viceroy. Liaquat Ali Khan, he continued, did not want to enlarge the freedom of the interim Government but to restrict it; he was 'therefore completely in line with the desire of the representatives of the British Government'.

However, an even more serious difficulty now came into prominence in the shape of the Muslim League's refusal to rescind its decision not to participate in the Constituent Assembly. The League's entry into the interim Government having been made in haste, under the stress of communal massacres, this question had never been properly settled. Writing to Jinnah on October 4th, Lord Wavell had said: 'since the basis for participation in the Cabinet is of course acceptance of the Statement of May 16th, I assume the League Council will meet at a very early date to reconsider its Bombay resolution' (withdrawing its acceptance of the Statement). Jinnah was later to deny that he had given the Viceroy 'anything by way of assurances or otherwise', except that the Statement could only be considered by the League Council; on the contrary, he had told him that a settlement of the long-term plan could only be taken up when a proper friendly atmosphere had been created between the two major organisations. Lord Wavell, however, in a letter to Pandit Nehru of October 23rd—on the eve of the reconstitution of the Government—wrote that he had on that day made it clear to Jinnah that the Muslim League's entry into the interim Government was conditional on acceptance of the Statement of May 16th and that he must call his Council at an early date to agree to this. Jinnah, he added, had assured him that the League would come into the interim Government and the Constituent Assembly with the intention of cooperating.

But when Lord Wavell re-opened the subject in November, Jinnah refused to summon his Council, taking refuge in the familiar accusation that Congress itself had never accepted the Statement. The real question, he contended, was first to get Congress to agree in the clearest language to the fundamentals of the scheme and then to devise ways and means by which the

proposals could be implemented and enforced by the British Government if Congress broke its word. He went on to refer to the 'mass organised and planned ruthless massacres of Muslims in various parts of Bihar' and to argue that in the 'highly surcharged and explosive atmosphere' thus created there could be no question of holding the Constituent Assembly. He demanded therefore that the Assembly should be postponed *sine die* so that all could concentrate their energies on restoring peace and order.

As far back as September 19th, while the League was still in the wilderness, it had been decided that the Constituent Assembly should not hold its opening session until December 9th. This limited postponement having failed to achieve its object of securing League participation, the British Government and the Viceroy were again faced with the dilemma they had encountered over the formation of the interim Government. If they postponed the Assembly once more, they would be accused of yielding to a minority veto; if there were to be no further postponement they would be accused of playing into the hands of Congress in the hope of gaining in return economic advantages when India became independent. As in August, however, they judged that constitutional progress and internal peace would best be served by advancing according to plan, even if no agreement could be reached. The decision that the Assembly should meet on December 9th was therefore reaffirmed, though Jinnah's reaction was to accuse the Viceroy of appeasing Congress 'in complete disregard of the Muslim League and the other organisations and elements in the national life of the country'. No representative of the League, he added, would participate in the Assembly.

The renewed deadlock was sufficiently serious to demand a spectacular move from the British side. On November 27th it was announced in Parliament that the Government had invited Lord Wavell to come to London for consultations on the Indian political situation, and had asked him to invite two representatives of Congress, two of the Muslim League and one of the Sikh community to accompany him. It was explained that the purpose of the discussions would be to reach an understanding on the basis

of which the Constituent Assembly could proceed with the co-operation of all parties.

Pandit Nehru at first declined the invitation, and Jinnah was suspicious. Again their points of view were in direct conflict. Pandit Nehru feared that the British Government intended to reconsider the Mission's plan, in which case the Constituent Assembly would of course have to be postponed; Jinnah insisted that it should be 'made clear that all aspects of the present situation in the light of all that has happened will be open for consideration and discussion.' The Prime Minister thereupon telegraphed personally to the two leaders, assuring the one that there was no intention of abandoning either the Mission's plan or the decision that the Assembly should meet on December 9th; and assuring the other that there was nothing to prevent all points of view being considered in London. These undertakings, and Mr. Attlee's insistence, persuaded the leaders to accept the invitation: and on December 2nd they, with Lord Wavell, Liaquat Ali Khan and Sardar Baldev Singh (the Sikh Defence Member of the interim Government) arrived in England.

The ensuing discussions lasted only four days. Then, on December 6th, the British Government issued a Statement which made it clear that no settlement had been achieved, but also explained that this was only to be expected, since the Indian representatives had to consult their colleagues before reaching any final decision.

The problem which had been discussed concerned the procedure to be followed in the three Sections into which the Constituent Assembly, according to the Mission's plan, would divide in order to frame the Provincial Constitutions and to decide whether Groups should be formed. Although the Mission had never said so officially, they had intended that decisions in the Sections should, in the absence of agreement to the contrary, be taken by simple majority vote. The Muslim League agreed, since only thus would it be possible for Groups to be formed despite the opposition of the smaller Provinces, such as Assam. But, it will be recalled, in order to safeguard the principle of provincial

autonomy the plan had provided that, after the first general election under the new constitution, any Province would be able, by vote of its Legislature, to come out of a Group in which it had been placed initially.

Congress had by now modified the standpoint it had adopted in its first reaction to the Mission's plan[1] to the extent that it was now willing to participate in the three Sections. On the other hand, in opposition to the view of the Mission and the League, it held that the true meaning of the Statement of May 16th, read as a whole, was that every Province, as an autonomous unit, had the right to decide independently, and irrespective of the view of the majority of the Section, both what should be the terms of its own Constitution and whether or not it should join a Group in the first place. This of course implied that voting in the Sections would not be by simple majority, but that the representatives of a Province within a Section would act as a unit for voting purposes. They should also frame the Provincial Constitution without interference from the other members of the Section, who otherwise might impose upon them a Constitution containing provisions designed to prevent the Province from exercising its right to leave the Group later on. Congress was prepared, however, to abide by the ruling of the Federal Court on the point of interpretation of the May 16th Statement.

The British Government's Statement of December 6th, after summarising this issue, announced that they had had legal advice which confirmed the Mission's interpretation of the disputed point. This interpretation, they continued, 'must therefore be considered an essential part of the Scheme of May 16th, for enabling the Indian people to formulate a constitution which His Majesty's Government would be prepared to submit to Parliament. It should, therefore, be accepted by all parties in the Constituent Assembly'. Should other questions of interpretation of the May 16th Statement arise, the British Government hoped that if the Council of the Muslim League were able to agree to participate in the Constituent Assembly they would also agree,

[1] See p. 89.

as Congress had done, that such questions might be referred by either side to the Federal Court; and that they would accept the Court's decisions.

On the matter immediately in dispute, the Statement urged Congress to accept the Mission's view so as to open the way for the League to reconsider its attitude. If, in spite of this reaffirmation of the Mission's intention, the Constituent Assembly wished the matter referred to the Federal Court, this should be done at a very early date.

The Statement concluded: 'There has never been any prospect of success for the Constituent Assembly, except upon the basis of an agreed procedure. Should a constitution come to be framed by a Constituent Assembly in which a large section of the Indian population had not been represented, His Majesty's Government could not of course contemplate—as the Congress have stated that they would not contemplate—forcing such a Constitution upon any unwilling parts of the country.'

The Muslim League hailed the new Statement as a triumph for its own firmness. Its reading of the Mission's scheme had been vindicated; moreover now for the first time the Mission's view that decisions in the Sections should be taken by majority vote had been put on record. Less acceptable to the League, however, was the encouragement given to the reference of disputed questions to the Federal Court. This was condemned as a sop to Congress and a departure from the scheme of May 16th, which contemplated such references only in certain cases of doubt over what were 'major communal issues'. The main question of interpretation, it was argued, was not one which a court of law could properly be asked to decide.

It was, however, the concluding sentence of the Statement which took the most significant step towards accepting the League point of view. From the Congress side it was argued that this amounted to allowing a minority to veto the advance of the majority. But it did not mean that anything would be done to prevent a constitution being applied to such parts of the country as had been adequately represented in the Constituent Assembly;

indeed, everyone recognised that feeling in Hindu India would be too strong for the British to be able to act in this way, even if they had wanted to. It was only 'any unwilling parts of the country' who must not have a constitution *forced* upon them by either the British or Congress. But this was important enough, for it was the first admission from the British side that the scheme of May 16th might have to be abandoned and the first pronouncement since the Cripps Offer which contained any hint that the British might co-operate in implementing the Pakistan solution in one or other of its forms. In the House of Commons Sir Stafford Cripps put the position even more bluntly: 'If the Muslim League cannot be persuaded to come into the Constituent Assembly', he said, 'then the parts of the country where they are in a majority cannot be held to be bound by the results.' The League at once drew the inference that, as it had always contended, a separate Constituent Assembly for the future Pakistan should immediately be convoked. On the other side, however, it was pointed out that the principle cut both ways and should operate to prevent the imposition of a Pakistan constitution upon the 'unwilling parts' of those Provinces which the League claimed for Pakistan; that is, upon the areas where Hindus and Sikhs were in the majority.

The Constituent Assembly duly opened on December 9th. In spite of the abstention of the League representatives it was an impressive gathering. Congressmen and the Hindu outlook certainly predominated; and a Congress member of the interim Government, Dr. Rajendra Prasad,[1] was unanimously elected President. Congress had, however, sponsored the election of a number of men outside its ranks on account of their personal distinction in public affairs, law or scholarship. In consequence the Assembly had at its disposal a very considerable fund of knowledge and experience. But the most notable figure of all had not sought election; Gandhi, whom Pandit Nehru apostrophised as 'the father of the nation' and 'the architect of this Assembly and all that has gone before it and possibly of much that will follow', was still on his mission of reconciliation in east Bengal.

[1] Now President of the Republic of India.

From the outset the Assembly was faced with the difficulty that any of its decisions might create fresh obstacles to Muslim League participation. During the debate on a resolution to appoint a committee on rules of procedure an amendment was moved to make it clear that the committee would have power to frame rules not only for the full Assembly but also for its Sections and committees. Thereupon Dr. M. R. Jayakar, the Privy Councillor and Liberal leader, and Mr. Prater, an Anglo-Indian, uttered warnings against any action which might look like taking anything out of the hands of those 'absent friends who might later decide to join the Assembly'. The amendment was nevertheless carried with Dr. Ambedkar the only dissentient.

The same difficulty arose when Pandit Nehru moved his celebrated resolution on 'declaration of objectives'. This invited the Assembly to declare 'its firm and solemn resolve to proclaim India an independent sovereign republic' and to draw up a constitution for a Union including the existing British India and the India States. It further declared that the various territories of the Union would be autonomous units with residuary powers; that all power and authority would be derived from the people; that justice—social, economic and political—equality of status, of opportunity and before the law, as well as the civil freedoms, would be guaranteed and secured to everyone; and that adequate safeguards would be provided for minorities, backward and tribal areas, and depressed and other backward classes.

In his introductory speech Pandit Nehru maintained that the resolution was not part of the constitution which the Assembly was going to draw up; it was something more than a resolution—it was a pledge and an undertaking and, he hoped, a dedication. The implication was that it did not prejudge the future constitution in such a way as to make it more difficult for the League to come in. This view was contested by Dr. Jayakar who moved an amendment seeking to postpone further consideration of the resolution so as to enable representatives of not the League only but also the Indian States to participate in the Assembly. 'We are no doubt a sovereign body', he said, 'but we are sovereign within

the limitations of the Paper by which we were created. We cannot go outside those limitations except by agreement; and two parties being absent, no agreement can be thought of. If the idea of some people is to ignore those limitations altogether and turn this Constituent Assembly into a force for gaining political power, irrespective of the limitations of this Paper, to seize power and thereby create a revolution in the country, that is outside the present plan and I have nothing to say about it. But as Congress has accepted this Paper in its entirety, it is bound by the limitations of that Paper.'

Dr. Jayakar's motion received some support in the Assembly; while outside some members of the States Negotiating Committee (which had been set up under the Statement of May 16th to decide, in consultation with the British Indian members of the Assembly, how the 93 States representatives should be chosen) issued a statement regretting that a resolution should have been introduced raising 'many fundamental issues' which could not and should not be considered in the absence of the States representatives. Eventually the President announced that further discussion of the resolution would be postponed until the Assembly met again in January.

The major parties had still to announce their official views on the Statement of December 6th. For his part Jinnah declared on December 21st that unless Congress unequivocally accepted the interpretation set forth in the Statement there would be no occasion for him to call a meeting of his Council in order to revise the decision to boycott the Constituent Assembly. Two days later, however, the Congress Working Committee put out a statement recapitulating once more its own view of the controversy. The Committee still held that the British Government's interpretation was inconsistent with the principle of provincial autonomy, and they criticised the December 6th Statement as making additions to and variations of that of May 16th. Congress acceptance of the later Statement thus seemed improbable; but the Working Committee left the decision to the All-India Congress Committee, which was to meet early in

January. Meanwhile Gandhi, throwing the immense weight of his influence on to the side of those who thought that Congress had already conceded too much, was advising the representatives of Assam and the Sikhs in the Constituent Assembly to refuse to go into the Sections at all. The League press interpreted these developments as evidence that Congress was deliberately working to keep the Muslims out of the Assembly with the object of framing a constitution to suit itself and presenting the British with a *fait accompli*.

When, however, the All-India Congress Committee assembled on January 5th Pandit Nehru moved a resolution 'agreeing to advise action in accordance with the interpretation of the British Government in regard to the procedure to be followed in the Sections.' The expedient of referring the question of interpretation to the Federal Court had 'become purposeless and undesirable, owing to the recent announcements made on behalf of the British Government. Reference could only be made on the agreed basis of the parties concerned agreeing to abide by the decision given'. (The Government spokesmen in the recent Parliamentary debates had asserted that they stood by the interpretation in the Statement of December 6th and would not depart from it even if there should be an appeal to the Federal Court).

But the resolution also contained passages designed to conciliate the Congress and Sikh minorities in Sections B and C; and, as was to be expected, it was on these that controversy was to arise. 'The All-India Congress Committee', they ran, 'realise and appreciate the difficulties placed in the way of some Provinces, notably Assam and the North-West Frontier Province, and the Sikhs in the Punjab, by the British Cabinet's scheme of May 16th, 1946, and more especially by the interpretation put upon it by the British Government in the Statement of December 6th, 1946. Congress cannot be a party to any such compulsion or imposition against the will of the people concerned, a principle which the British Government have themselves recognised.—It must be clearly understood, however, that this' (viz. procedure in the Sections in conformity with the December 6th Statement) 'must

not involve any compulsion of a Province, and that the rights of the Sikhs in the Punjab should not be jeopardised. In the event of any attempt at such compulsion, the Province or part of a Province has the right to take such action as may be deemed necessary in order to give effect to the wishes of the people concerned.'

A number of amendments were moved by those who thought the resolution went too far in appeasing the British and the League. The foremost critics were the representatives of Assam and the Congress Socialists, the latter condemning the resolution as one more retreat along the slippery path of compromise. Some of the most influential figures in the party, however, spoke cogently in support of the resolution. For example, Mr. Shankar Rao Deo, the General Secretary, argued that just as Congress had invited the Muslim League to cast away fear and join in the task of constitution-making, so the League too, with equal justification, invited the Provinces in B. and C. Sections, and the Sikhs, to enter the Sections. The fear expressed by Assam and the Sikhs was premature. Minorities must depend on the good sense of the majorities, unless the League proved unreasonable and openly hostile to the interest of the minorities. Such views won acceptance, and the resolution was passed by 99 votes to 52.

The resolution did not refer to the suggestion in the Statement of December 6th that further questions which might arise over the interpretation of the Mission's plan might be referred to the Federal Court. During the debate, however, Pandit Nehru emphatically denied that Congress had agreed, as the Statement said it had, to follow this procedure as a general rule.

The League was in no hurry to announce its official reaction to this latest move by Congress; and by January 20th, when the Constituent Assembly met again, there had been no sign that the League representatives were ready to participate. Pandit Nehru accordingly wound up the debate on his 'objectives' resolution, asserting that though the Assembly would welcome the League representatives at any time 'no work will be held up in future whether anyone comes or not'. The resolution was carried unanimously.

The Assembly also set up two committees. One was the Advisory Committee on the rights of citizens, minorities and tribal and excluded areas, which the Mission's plan had recommended. The other was a committee to examine the scope of the four subjects (Foreign Affairs, Defence, Communications, and the finance required for these) which the plan had assigned to the Union centre. The President was empowered to nominate further members of each committee later on—a provision obviously intended to accommodate League representatives should they decide to come in, as well as representatives of the States. The Assembly thereupon adjourned until April.

A few days later, on January 31st, the Working Committee of the Muslim League declared their views on recent constitutional developments in a resolution which ran to 3,000 words. After rehearsing the main points in the Statement of December 6th and the subsequent Congress resolution, they asserted that the 'qualifying clauses' in the latter (viz. the passages cited above) 'confer the right of veto within the Section on a "Province", and what is more absurd, on "part of a Province", as well as on the Sikhs in the Punjab, and, therefore, they completely nullify the advice on the so-called "acceptance" by Congress of the December 6th Statement; and this A.I.C.C. resolution is no more than a dishonest trick and a jugglery of words by which Congress has again attempted to deceive the British Government and the Muslim League, and public opinion in general'. The resolution also referred to a pronouncement by the Assam Congress Committee since the passing of the A.I.C.C. resolution, insisting that 'the constitution for Assam shall be framed by her representatives only'; and it alleged that this step had been taken in collusion with the All-India Congress leaders.

The latter part of the resolution took the form of a detailed criticism of the proceedings of the Constituent Assembly. The 'objectives' resolution, it maintained, went beyond what was permitted by the Statement of May 16th; it was therefore 'illegal, ultra vires and not competent to the Constituent Assembly to adopt'. Moreover the rules of procedure which had been passed would

enable the full Assembly to control the Sections; and the setting up of the Committee on Union Subjects so early in the Assembly's life contravened the procedure laid down in the Mission's plan, under which the drafting of the Union constitution would be the final stage in the constitution-making process.[1]

The Working Committee concluded that Congress had destroyed all the fundamentals of the plan and every possibility of compromise on that basis. They therefore called upon the British Government to declare that the plan had failed and to dissolve the Constituent Assembly. Meanwhile no useful purpose would be served by convening the League Council to reconsider its decision of July 29th withdrawing its acceptance of the Statement of May 16th.

As in July, the League thus preferred to give drastic expression to its not unnatural distrust of Congress equivocation, rather than put its fears to the test by entering the Constituent Assembly and seeing whether Congress would in fact act in conformity with the procedure recommended by the Mission. On each occasion its underlying motive was, one may conjecture, a hankering after the policy of unadulterated Pakistan—a policy to which its latest resolution unmistakably marked a return. The uncompromising attitude adopted in July had evidently been to the taste of the party, and had not been modified when the League bloc entered the Government as a watchdog upon the use by Congress of its newly acquired power. That the League had no wish to be conciliatory was evident from the fact that in none of its pronouncements was there any assurance of fair treatment for Assam, the Sikhs or any other non-League element in Sections B and C. Had there been the least hint of this kind, Congress for its part might have found it possible to give a less qualified acceptance to the Statement of December 6th. As it was, the League seemed to be claiming the right to enforce its will in these Sections by means of the 'brute majority' whose use by Congress in the Assembly as a whole it professed to fear so greatly.

The Muslim League's continued boycott of the Constituent Assembly produced a renewal of the Congress demand that the

[1] See p. 85.

League bloc should withdraw from the interim Government. On February 15th Sardar Patal declared at a press interview that the Congress members had asked the British Government to require the League either to share in drafting the new constitution or to leave the 'Cabinet'; otherwise the Congress Members would themselves resign. The League retorted with the familiar assertion that it alone had accepted the Mission's plan, although as no other party had done likewise it had withdrawn its acceptance. Now the Statement of December 6th had vindicated the interpretation of the plan on the basis of which its original acceptance had been given. In this situation the League was as much entitled as Congress to stay in the Government, and the Congress demand was 'presumptuous'.

The British Government deliberately refrained from passing judgment on this issue; Sir Stafford Cripps was to tell the House of Commons that they did not consider it wise to precipitate a decision so long as there was any hope of all parties meeting in the Constituent Assembly. And indeed, to have accepted the Congress demand would have killed any hope of getting the League into the Constituent Assembly; to have rejected it would have turned the Assembly into a revolutionary body; while either alternative would of course have disrupted the interim Government. Instead of taking sides, therefore, the British Government adopted a course which, they hoped, would bring the parties together by the very urgency of the need for agreement; and which, incidentally, would free them for evermore from the charge that they were playing off the parties one against the other in order to prolong their hold on the country. On February 20th they issued a Statement[1] announcing 'their definite intention to take the necessary steps to effect the transfer of power into responsible Indian hands by a date not later than June 1948'.

It was not simply the hope of administering a salutary shock to to Indian politicians that prompted this move. By this time the factors described in Chapter I as making for the weakening of British control at the end of the war had been greatly intensified.

[1] Cmd. 7047.

The British officials—the essential element in that control—were even harder pressed and even thinner on the ground. In the Superior Civil Service there were only about 1,600 of them, of whom about 500 were in the Indian Civil Service and 350 in the Indian Police; the corresponding figures in 1935 had been 2,942, 756 and 495. During the war recruitment had been suspended, and a scheme launched in June 1945 for recruiting both Europeans and Indians had been abandoned a year later in the face of strong opposition in India to the recruitment of any more Europeans. One of the first questions raised by the interim Government had been the winding-up of these Services which, since they had been recruited by the Secretary of State and remained under his ultimate control, were inevitably exposed to the strain of divided loyalty by the advent to power of a nationalist government. In January the Parliamentary Under-Secretary for India, Mr. Henderson, had visited India to discuss the question of compensation for civil officers and officers of the Indian armed forces whose careers might be brought to an end as the result of constitutional changes. British control through the armed forces was likewise weakening. The proportion of Indian to British officers of the Indian Army was far larger than it had been before the war: and it was estimated that in the year beginning on April 1st 1947 the number of British officers would drop from 11,400 to 4,000. Indianisation had received an added impetus from the appointment of an Indian as Defence Member of the interim Government. Meanwhile the troops of the British Army stationed in India were rapidly diminishing in numbers as demobilisation proceeded. Such were the circumstances in which the British authorities in India advised the home Government that British rule could not be maintained on its existing basis with adequate efficiency after 1948.[1]

When defending the Statement of February 20th in the House of Commons, Sir Stafford Cripps described as follows the alternatives which faced the British Government in this situation:

[1] Speech by the Secretary of State for India in the House of Lords, 25th February, 1947 (Hansard Vol. 145, Cols. 940–51).

'Those alternatives were fundamentally two, though both, of course, might be subject to minor variations: first, we could attempt to strengthen British control in India on the basis of an expanded personnel in the Secretary of State's services and a considerable reinforcement of British troops, both of which would have been required, so that we should be in a position to maintain for as long as might be necessary our administrative responsibility while awaiting an agreement amongst the Indian communities. Such a policy would entail a definite decision that we should remain in India for at least fifteen to twenty years, because for any substantially shorter period we should not be able to reorganise the Services on a stable and sound basis.

'The length of period necessary would be determined by the consideration that the Indian members of the Secretary of State's and other administrative services should look to us for their future career and prospects rather than to the Indian leaders, to whom we should undoubtedly, under those circumstances, find ourselves in opposition if we were to declare our intention to stay for such a period of time. The second alternative was, we could accept the fact that the first alternative was not possible, and make a further attempt to persuade the Indians to come together, while at the same time warning them that there was a limit of time during which we were prepared to maintain our responsibility while awaiting their agreement. One thing that was, I think, quite obviously impossible was to decide to continue our responsibility indefinitely—and, indeed, against our own wishes—into a period when we had not the power to carry it out. Those were the alternatives, and the only alternatives, that were open to us.

'In pointing out these two alternatives, I must refer to the opinions expressed by two noble lords, who have both had long experience as Viceroys of India.[1] Both of them—one speaking recently in another place and the other speaking a few months ago—have stressed the reality of these two alternatives, and have stated that in their view there is no third alternative. Though

[1] The reference was to speeches in the House of Lords by Lord Linlithgow on December 16th, 1946 (Hansard Vol. 144, Cols. 954–9) and Lord Halifax on February 26th, 1947 (Hansard Vol. 145, Cols. 1013–21).

neither of them professes to like either alternative, they are both driven to the conclusion that we must choose between them, and the very remarkable speech of the noble Lord, Lord Halifax, in another place made it clear why he could not oppose the decision arrived at by His Majesty's Government. The first alternative we had no hesitation in putting aside. It would be contrary to all we have said, and to the policy of this country, to prolong our stay in India for more than a decade against the wishes of the Indians—and there can be no shadow of doubt that it would be against their wishes. It would be politically impracticable, from both a national and an international point of view, and would arouse the most bitter animosity of all parties in India against us.

'Even if we had been prepared to make available the extra troops that would be required to deal with opposition by the Indian people over that period of years, it is certain that the people of this country—short as we are of manpower, as we all know—would not have consented to the prolonged stationing of large bodies of British troops in India, for a purpose which was not consistent with our expressed desire that India should achieve self-government at as early a date as possible. Such a decision would, as I have said, have met with the hostility of all Indian communities, as indeed has been shown by the reaction to the statement the other day. We should, therefore, have had to rule India through the Governor-General and the Governors without any representative Indian Government. We therefore ruled out the first alternative, as both undesirable and impracticable.'[1]

In choosing the second alternative the British Government were quite definite in fixing the date for their abdication, but necessarily less so in naming their successors. They wished, said the Statement of February 20th, to hand over their responsibility to authorities established by a constitution approved by all parties in India in accordance with the Mission's plan, but unfortunately there was at present no clear prospect that such a constitution and such authorities would emerge. If, then, it should

[1] Speech by Sir Stafford Cripps on March 5th, 1947 (Hansard 434 H.C. DEB. 5s, Cols. 503–5).

appear that an agreed constitution would not have been worked out by June 1948, they would have to consider to whom they should transfer the powers of the Central Government, 'whether as a whole to some form of Central Government for British India or in some areas to the existing Provincial Governments, or in such other way as may seem most reasonable and in the best interests of the Indian people'. This was a logical development from the policy announced in the last paragraph of the Statement of December 6th.

Congress politicians had for years been urging that the British departure should not be conditional upon prior agreement between the communities but that, on the contrary, agreement would be possible only when the third party had relieved India of its disturbing presence. Only then would it really come home to Indians that the responsibility for their own future rested squarely on their own shoulders and that they must either settle their differences or relapse into anarchy. No wonder, then, that Pandit Nehru welcomed the British Government's decision to leave by June 1948 as wise and courageous. It brought, he said, 'reality and a certain dynamic quality to the present situation'. Yet inevitably there was criticism in Congress quarters of the vagueness of the Statement's reference to the authorities who were to be the recipients of power; this, it was argued, put a premium on the League's intransigence and encouraged it to keep out of the Constituent Assembly.

That Congress was determined to make the best of the new situation was evident from the terms of a resolution passed by its Working Committee at the beginning of March. The Committee, while welcoming the fixing of a date for the final transfer of power, urged that the transfer should be preceded by the recognition in practice of the interim Government as a Dominion Government with effective control over services and administration and with the Viceroy as its constitutional head. It must necessarily function as a Cabinet with full authority and responsibility.

The resolution emphasised that it had now become all the

more essential to expedite the work of the Constituent Assembly so that a constitution for an Indian Union and its constituent units should be finally prepared and given effect to well within the stated period; and it invited afresh the representatives of the Muslim League to join in this historic undertaking. The Assembly's work, it continued, was essentially voluntary, involving no compulsion. While it had been made clear that the constitution framed by the Constituent Assembly would apply only to those areas which accepted it, it must be understood that any Province or part of a Province which accepted the constitution and desired to join the Union could not be prevented from doing so. Thus there must be no compulsion either way, and the people would themselves decide their own future.

The Working Committee appended to this resolution an invitation to the Muslim League to nominate representatives to meet representatives of Congress in order to consider the situation that had arisen and devise ways to meet it.

Like Congress, the Muslim League welcomed the British decision to leave by June 1948, seeing that it had been made clear that power would not necessarily be handed over to a single Government for the whole of India. Like Congress too, it criticised the vagueness of the passage dealing with the manner of the transfer; but, unlike Congress, its dissatisfaction arose from the failure of the Statement to recognise what it held to be the obvious conclusion—that the British must inevitably hand over to Congress for the Hindu-majority areas and to the League for the Muslim-majority areas. However, the Statement said enough to encourage Muslim hopes that Pakistan could be won with British acquiescence. Hence there was no response to the Congress invitation to a conference. And the invitation had in any case come at the end of a resolution which had pressed for wider powers for an executive with a Congress majority, had emphasised the urgency for framing a constitution for an Indian Union, and had asserted, though without naming names, the right of the Hindu and Sikh majority areas in the Provinces claimed for Pakistan to join the Union if they so desired.

In the British Parliament the fixing of so early a date caused considerable dismay among the Conservative Opposition. Hitherto, though critical of the Labour Government's policy in matters of detail, they had been in agreement with its broad principles and, up to a point, with its methods. Now for the first time they expressed radical disagreement with the Government's conduct of Indian affairs, and for the first time they pressed their disagreement to a division. Some Conservative backbenchers with recent experience of India, notably Sir Walter Smiles and Sir Stanley Reed, spoke in support of the Government's latest move; but the majority of the party were behind a motion which Sir John Anderson moved from the Opposition front bench sharply criticising the decision to withdraw by June 1948. The principal Conservative spokesmen—Sir John Anderson, Mr. Churchill and Mr. Butler—took their stand on the Cripps Offer and declared that so long as the Government's policy had remained on this basis they had not opposed it. This latest step, however, involved a departure from the Cripps position on certain essential points. No longer was agreement between the Indian parties to be a prerequisite for the transfer of power; nor was the signing of a Treaty to be a condition precedent to the British departure. Moreover the new policy would render impossible the proper discharge of British pledges, especially to the minorities and the Indian States.

But the gravamen of the Opposition's charge was that fourteen months was far too short a period for the framing of a constitutional plan, whether for a united or a divided India, and for dealing with all the infinitely complex questions which would have to be settled in the spheres of defence, finance, the Services, law, trade, communications and so much else. A further objection was that the time limit extinguished the last chance of Indian unity: so far from prompting agreement, it encouraged the staking out of sectional claims and the insistence on their fulfilment. It was, said Sir John Anderson, a gamble, and an unjustified gamble. Both he and Mr. Butler accused the Government of negligence in having allowed the Services to deteriorate to the

state of weakness which was now pleaded to justify so early a withdrawal. Mr. Churchill criticised the election of the Constituent Assembly on an 'inadequate and unrepresentative franchise': this, and the establishment of party leaders in power in the interim Government, meant that India was being delivered over to politicians who had no claim to represent the mass of the people. 'In handing over the Government of India to these so-called political classes', he said, 'we are handing over to men of straw, of whom, in a few years, no trace will remain.'

The Conservative spokesmen put forward various alternative courses which, they claimed, would have been preferable to the one the Government had chosen. Mr. Churchill advised that there should be resort to the aid and advice of the United Nations Organisation. Sir John Anderson considered that the date fixed should have been that on which the Government would decide whether or not they would be able to hand over to a single authority for the whole of India; if this date passed without agreement having been reached between the parties, then it would be possible to devote all energies to the complicated process of transferring power to a number of authorities—a process which would necessarily take time. Mr. Butler, indeed, accepted as well-nigh inevitable that there should be more than one heir to British power; but he felt strongly that the new authorities must in the nature of things be closely interdependent, and that the true aim of British statesmanship must be 'the fusion of divergent claims into mutual obligations' at the centre.

When the House divided after a two-day debate, the Opposition motion was defeated by 337 votes to 185.

In the House of Lords a motion condemning the decision to transfer power in June 1948 as likely to imperil the peace and prosperity of India was moved by Lord Templewood who, as Sir Samuel Hoare, had been Secretary of State for India at the time of the passing of the Act of 1935. Had there been a division, the motion would almost certainly have been carried; in fact it was withdrawn. During the debate a deep impression had been made by the speech of Lord Halifax—referred to by Sir Stafford Cripps

in the above-quoted passage from his speech in the Commons. Maintaining that the course of events in India, and especially the impact of the war, had produced a situation in which it was no longer possible to insist that the Indian parties must agree before the British could leave, he declared that he was not prepared to condemn the Government's policy unless he could honestly and confidently recommend a better solution.

Simultaneously with the Statement of February 20th it was announced that during the following month Lord Wavell would be succeeded as Viceroy by Lord Mountbatten. The change was explained officially as due to the fact that Lord Wavell's appointment had been a wartime one, so that the opening of this new and final phase in India was the appropriate time for its termination. But neither in India nor in Britain was this accepted as the real reason; it was generally believed that there had been some important difference of opinion between the Viceroy and Whitehall. The Government, however, refused to give any further explanation, in spite of Opposition pressure.

Lately, each of the Indian parties had been accusing Lord Wavell of siding with its opponents: now both paid tribute to his sincere desire to serve India and help her gain her independence. He himself took credit for no more than this. In his farewell broadcast he said: 'I am conscious of the mistakes I have made in these years, but I hope you will know that I have always tried to work for the welfare of India's inhabitants and for the advancement of India towards self-rule.' But such understatement told only a small part of the story. First, by his integrity and persistence he had won the trust of the Indian leaders in Britain's good intentions—itself a service of the highest value. For the rest, during the past eighteen months he had been fighting doggedly for a settlement, his will unshaken by a host of disappointments and difficulties. He had not succeeded in his aim: but it would be hard to over-estimate the value of his achievement in keeping open the path of negotiation so that the rival protagonists of unity and partition did not feel themselves compelled to resort to the desperate alternative of force.

CHAPTER V

INDEPENDENCE AND PARTITION

ACCORDING TO the Statement of February 20th, if on the appointed date there was no single central Government for the whole of British India, power might be handed over 'in some areas to the existing Provincial Governments or in such other way as may seem most reasonable and in the best interests of the Indian people'. To the Muslim League this meant that it had at the most fifteen months in which to establish its claim to take delivery of the six 'Pakistan' Provinces. It still had a long way to go before it achieved this position, for at present Muslim League Governments were in office in two Provinces only—Bengal and Sind. Baluchistan could be left out of account;[1] but in the North-West Frontier Province and Assam Congress was in office, while in the Punjab there was a Coalition Government of the Unionist Party,[2] Congress, and Sikhs.

Nowhere was it more urgent for the League to capture power than in the Punjab—as it realised very well, for it was already in the throes of a direct action campaign aimed at the overthrow of the Provincial ministry. Not only was this the largest and richest of the north-western Provinces; but if it could be brought into League hands the North-West Frontier Province would be cut off from the rest of Congress India even more completely than Assam was isolated by the League's ascendency in Bengal. Moreover the League felt that it had a right to rule in the Punjab, where 56 per cent of the population were Muslims[3] and where the League, holding 79 of the 86 seats reserved for Muslims, was much the largest single party in the Legislature. After the election the League had claimed that it could count on non-Muslim support

[1] See p. 69 n.

[2] See pp. 52 and 63–4.

[3] But since the minorities had been given representation in the Provincial Assembly in excess of their population strength, the Muslims had only 51 per cent of the seats there. See pp. 69–70.

to an extent which would give it 88 seats out of a total of 175, and that it should therefore be invited to form a Ministry. In consequence it hotly resented the refusal of the Governor (Sir Bertrand Glancy) to accept this claim and his decision to summon instead the leader of the heterogeneous and hastily formed coalition, which itself commanded no more than 89 seats.[1] This meant that the party which had scored the greatest success in the elections was kept out of office by those who had lost most heavily. Yet the League would have had more chance of attaining its rightful place in the government of the Punjab if it had accepted more unreservedly the principle that in a Province where the population was so equally divided between Muslims and others it had no right to a monopoly of power but must resign itself to sharing with others in a coalition.

During the year which followed, the Government had shown every reluctance to try the strength of their uneasy alliance against the homogeneous League opposition; the Assembly had not been convened except when this was absolutely necessary in order to pass the Budget. There was, however, compensation for this virtual suspension of parliamentary institutions in the freedom from communal strife which the Punjab enjoyed under a Ministry in which each of the three communities was represented. Nevertheless, the peace was a precarious one, and as the train of communal massacre spread westward it seemed as though the Province might well become engulfed in worse carnage than any India had so far seen in this new struggle for power. Yet in the Punjab the early stages of the struggle were comparatively bloodless; for when the Provincial League party, no doubt with the knowledge and approval of the League High Command, decided on resort to direct action against the Ministry it adopted something resembling Gandhi's technique of civil disobedience. Towards the end of January it launched an 'all-out non-violent mass struggle against the reactionary Punjab regime', using as its pretext a number of measures in restraint of civil liberties which the Government had taken in order to lessen the risk of communal disorders.

[1] See p. 69

These tactics enabled it, even while employing unconstitutional methods, to pose as the champion of democracy. The movement, it protested, involved no inter-communal issue at all; and it invited the co-operation of Hindus and Sikhs.

Now at last the League's policy of 'direct action', proclaimed in the previous July, was officially put into operation. Evidently the Muslim masses had been won over; and in towns throughout the Punjab thousands of demonstrators defied the Ministry's bans on public meetings and processions. Since they courted arrest, the jails were soon filled to overflowing. The authorities therefore adopted the policy of imprisoning only the ringleaders; the bulk of the demonstrators were usually removed in lorries a considerable distance and left to make their own way home. There was little violence on either side, and the Government showed great forbearance. The All-India Muslim League made the most of the 'sufferings and trials' of the Punjab Muslims under 'persistent and widespread persecution'; and the League Members of the interim Government did not hesitate to proclaim their whole-hearted approval of the movement, although it was clearly aimed at overthrowing the lawfully constituted Government of the Province.

The agitation continued for more than a month, with increasing tension and more frequent incidents of violence. The situation of the Ministry was already precarious when it was made even more so by the Statement of February 20th. The coalition, like the Unionist Party which was one of its components, was based on the assumption that a sharp distinction could be drawn between Provincial administration and the question of India's constitutional future: on the former it pursued a single agreed policy, on the latter its members were free to hold their own views. But, as the Premier, Malik Sir Khizar Hyat Khan, at once recognised, the new British declaration made this basis no longer tenable, since it 'had obliterated the boundaries between provincial and central spheres, and constitutional and administrative problems'. He saw that all parties must now confer with one another and decide how the Punjab should face the future. On February 25th therefore he

reached a settlement with the Provincial Muslim League party, which called off its civil disobedience movement in return for the release of prisoners and the removal of the ban on public meetings.

Four days later the Ministry resigned. The Premier explained that it was only fair that all political parties in the Province should now have a chance of evolving between them an administration to which sovereign power could be transferred, should this become necessary; and he wished to leave the field clear for the League which, as representing the majority of Muslims in the Province, was responsible for dealing with the problem on their behalf. The Governor (now Sir Evan Jenkins) thereupon invited the Khan of Mamdot, the leader of the Provincial League party, to form a Ministry. The Khan disclaimed any intention of imposing Muslim domination in the Province and invited the co-operation of the Hindus and Sikhs; but these were bitterly opposed to the prospect of a Ministry whose entry into office would, they knew, be a decisive step towards the establishing of Pakistan. It was now their turn to hold demonstrations, their object being to show their apprehension at the prospect of the Punjab being handed over for the first time to a purely communal Ministry. Master Tara Singh, the Sikh leader, brandished his sword on the steps of the Assembly Chamber and exhorted his followers to 'overthrow the Muslims'. Meanwhile the Khan of Mamdot had failed to produce proposals for a Ministry which would command a stable majority in the Legislature, and so the Governor was obliged to take over the administration under the section[1] of the 1935 Act which provided for the breakdown of the constitution in a Province.

This was done on March 5th; it was all the more necessary because the day before savage street fighting had broken out in Lahore between Muslims determined to capture the Punjab for Pakistan and Hindus and Sikhs determined to resist at all costs. The leaders of all communities joined in forming a Peace Committee, but it was owing to the vigorous measures of the Governor

[1] No. 93.

and his officers that the outbreak was quelled. Meanwhile, however, the frenzy had spread, first to other towns, especially Multan, Amritsar and Rawalpindi, where fierce battles suddenly broke out and where whole streets were gutted by fire-raisers; and then to the countryside, especially the north-west where there was a large majority of Muslims. By March 23rd, when it was subsiding, over 18,000 Indian and 2,000 British troops had been used to help the civil authorities to bring peace to the disturbed districts of the Province. In the towns they had largely succeeded, but among the scattered villages acts of hideous brutality were still being committed. Over 2,000 lives—perhaps many more—had been lost. The struggle for power had laid across the Punjab the ugly stain of massacre.

The Province was still too close to civil war for there to be any question of restoring Ministerial government. And so in the Punjab the Statement of February 20th, far from producing a communal settlement, had led to the assumption of control by a British Governor, who was driven to employ measures in restraint of civil liberties far more drastic than those which had formed the pretext of the League's original civil disobedience campaign. There seemed no alternative to a continuance of this state of affairs until it was decided how the transfer of power in the Province was to be carried out. This was evidently the view of the Governor: for it was reported that the day after he took over the administration he sent an urgent telegram to the British Government seeking guidance on their long-term policy for the Punjab. Long before February 20th the fundamental question in Indian politics had been not *when* would the British hand over, but *to whom*; and inasmuch as the Statement had given no clear answer to this latter question, it had missed its mark.

It was during the first reaction of horror to the slaughter and destruction in Lahore, Amritsar and Multan that the Congress Working Committee met to consider the Statement. Their main resolution, it will be recalled, included the assertion that if any part of a Province accepted the constitution to be framed by the Constituent Assembly and desired to join the Union, it could not

be prevented from doing so. By way of giving practical application to this principle the Committee recommended in a further resolution the division of the Punjab into two Provinces so that the predominantly Muslim part might be separated from the predominantly non-Muslim part. In fact some weeks earlier there had arisen among the Hindus and Sikhs of the eastern Punjab a vigorous movement for a partition of their Province which would separate them from the Muslim-majority districts of the west. Hindus of Bengal were similarly urging that the western districts of their Province, where they were in the majority, should be separated from the eastern. These proposals did not in themselves imply the division of India as a whole into two sovereign States; their sponsors put them forward in the interests of immediate communal peace and of sound administration. The partition of the Punjab and Bengal was necessary, said the *Hindustan Times*, the most influential organ of Congress, 'whether there is to be one sovereign State in India or more, and whether in the case of the former there is to be a simple federation or a three-tier structure as proposed in the Cabinet Mission plan. In no case can basic provincial autonomy be avoided and it is in this field of autonomy that the sharpest conflict between the communities arises. If an Indian Union or groups within a Union are constructed on the basis of the present Bengal and Punjab, communal conflict in these Provinces is bound to be reflected in the Governments of the groups and Union, and the political life of the entire country will continue to be poisoned as it is today'. On the other hand, if India was to be divided into two sovereign States, the partition of the two Provinces would mean that East Punjab and West Bengal would throw in their lot with Hindu India and not with Pakistan. Jinnah was still inflexible in his demand for the six 'Pakistan' Provinces in their entirety, but his opponents clearly hoped that if he were faced with the certainty of getting only part of the Punjab and part of Bengal he would back down and induce the League to renew its acceptance of the Mission's plan. For there was at this time a widespread impression, which was shared by non-partisan observers and even by sympathisers with the League,

that a truncated Pakistan would be neither viable economically nor capable of self-defence, and that so unworkable a proposition would not attract even the most ardent Muslim. This impression was heightened by the uncertainty whether the North-West Frontier Province and Assam could be won for Pakistan.

In the North-West Frontier Province affairs had been going much the same way as in the Punjab. It was one of the paradoxes of Indian politics that the Province with the largest proportion of Muslims should have a Congress Government. The reason was that the impregnable position of the Muslim ninety-two per cent, predominantly Pathan by race, had meant that the local movement for Indian independence was not complicated by communal rivalries. In the early thirties Congress had won strong support in the Province as the champion of Indian nationalism against the British, and under its auspices the strong Red Shirt organisation had been built up by the two Khan brothers, one of whom, Dr. Khan Sahib, was now Premier. But lately Congress supremacy had been vigorously and effectively challenged by Muslim League propaganda, using to the full both the religious appeal of 'Islam in danger' and reports of massacres of Muslims by Hindus in Bihar and elsewhere. The League gospel was preached not only within the Province itself but among the tribes beyond its boundaries, between British India proper and Afghanistan. The tribes were largely independent, being bound only by agreements to the Government of India, whose External Affairs Department was responsible for conducting relations with them. In October Pandit Nehru, in his capacity of Member for External Affairs, had visited the Frontier; but in Peshawar, the Provincial capital, there had been League demonstrations on his arrival, while the tribesmen had received him officially with unfriendly speeches and professions of faith in Jinnah and unofficially with stones and bullets. It was the League which derived the chief benefit from his visit, for here was an excellent object-lesson in the dangers of Hindu domination. The spirit of Pathan independence, which Congress had been able to rouse against the British, could now be worked upon by the League against

interference by a Hindu Minister of a Government with a Hindu majority.

Nevertheless the Frontier, never wholly calm, remained relatively undisturbed until the second half of February, when the League launched a civil disobedience movement on the Punjab model against the Provincial Government's bans on meetings and processions. From Peshawar the movement spread to other towns and districts and, though like its Punjab counterpart it was professedly peaceful, there were from the beginning frequent incidents of violence, especially against the small minorities of Hindus and Sikhs. When Sir Khizar resigned in the Punjab, Jinnah and other League leaders called upon Dr. Khan Sahib to follow suit; but he stubbornly refused to do so, though the agitation for his overthrow showed no sign of dying down.

In Assam, the third Province which the League had still to capture, Muslims amounted to only about one-third of the population; and it was claimed for Pakistan solely by reason of its geographical situation. Being in the minority the Muslims could not launch such a large-scale movement as those in the north-west. They nevertheless determined to resort to civil disobedience, concentrating mainly on one issue—the Congress Government's policy of evicting Bengali Muslim immigrants who had squatted on certain Government grazing reserves along the Province's western border. This was a long-standing source of controversy, and the Government pointed out that eviction had been the policy of the previous coalition Ministry headed by a Muslim Leaguer. At all events it was now evident that the whole question had become part of the great battle for Pakistan. The League was bent on swelling the Muslim population of Assam, and Leaguers of Bengal and Assam concerted their efforts in organising the invasion of the grazing reserves by bands of Bengali Muslims. As elsewhere, the movement started peacefully but degenerated into violence. Squatters and demonstrators clashed with the police, and at the beginning of April the Government were obliged to ask for military help in case of trouble.

Lord Mountbatten arrived in New Delhi on March 22nd, and

at once began an intensive series of talks with all who might help him to acquaint himself with the situation. Gandhi and Jinnah in particular each paid frequent visits to the Viceroy's House. He found a country drifting into chaos for want of a political settlement. In three Provinces the Muslim League had revolted against the lawfully constituted government, with the results just described. But this was by no means all. Although in the south there was little communal trouble, the whole of the north lay under the constant threat of outbreaks which might grow in extent and frequency until it became impossible to control them. In Bombay, Calcutta and Delhi daily incidents of shooting, stabbing, arson, or the throwing of bombs or acid had created an endemic sense of insecurity. In several of the large towns there were strikes and other labour trouble; and among industrial workers, as well as among the peasants of certain districts, Communist influence was growing. Nine of the eleven Provincial Governments were ruling by ordinance, having taken wide powers to control demonstrations and deal out summary punishment. So far the police and troops had done excellent work in keeping order, regardless of communal sympathies. But unless things improved, it seemed only a question of time before they would be unable any longer to restrain themselves from taking sides. And there seemed no chance of things improving without a settlement at the centre.

Even so, there were some immediate measures which could be taken to check the drift towards anarchy. Lord Mountbatten induced Gandhi and Jinnah to issue a joint statement, which appeared on April 15th, denouncing the use of force for political ends and appealing to all communities to refrain from acts of, or incitement to, violence. This advice was most needed in the North-West Frontier Province. There the Muslim League agitation threatened to get completely out of hand; still worse, the League and the Government were in dangerous rivalry for the support of the tribes, whose intervention would set the whole frontier ablaze. On April 18th the Viceroy held a conference of those most concerned with frontier policy, including Pandit Nehru, as

External Affairs Member, and the Governor and Premier of the Frontier Province. The next day, when Dr. Khan Sahib returned to Peshawar, his Government announced an amnesty under which political prisoners would be released and the ban on public meetings withdrawn; though the bans on processions and picketing would be continued until normal conditions returned. But this did not go far enough to pacify the League. The prisoners refused to leave the jails unless they were assured that fresh elections would be held, since the League maintained that with the great increase in its strength during recent months it now had the support of a majority of the voters. The prisoners had not gone to jail, said Jinnah, 'merely to be released'. At the end of April the Viceroy himself paid the Frontier a brief visit, which had some effect in calming the League demonstrators but failed to put an end to the civil disobedience campaign.

Although wishful thinkers in Congress might believe that Jinnah, confronted with the prospect of a truncated Pakistan, would throw in his hand and accept the Mission's plan, there was now scarcely a hope that the plan could yet succeed in its object of reconciling Congress and League demands. The long wrangle over compulsory grouping, exacerbated by the communal massacres, had so antagonised the two parties that there could no longer be any question of concession or compromise on this basis. Even the most unequivocal announcement by Congress that it would follow the voting procedure laid down in the Statement of December 6th would not have brought the League into the Constituent Assembly. Nor would Congress have made such a gesture so long as the League did not withdraw its demand that the Assembly should be dissolved.

As for the Statement of February 20th, it had succeeded in its object of convincing everyone, except the extreme left, that the British were determined to leave India; but it had signally failed in its other object of shocking the two major parties into a settlement. On the contrary, it had encouraged the League to stand more rigidly than ever on its claim for Pakistan and to try and seize power in Provinces where its claim did not correspond to the

existing political facts. The League High Command, despite several promptings, still evaded giving any definite reply to the Congress invitation to a joint conference. The press urged Lord Mountbatten to summon a round table conference, on what basis was not specified. In the interim Government the two blocs were scarcely on speaking terms and were pursuing mutually antagonistic policies. For example, Pandit Nehru in the External Affairs Department made diplomatic or consular appointments, some of which—such as the appointment of Mr. Asaf Ali, a Congress Muslim, as Ambassador to the United States—were highly distasteful to the League; while Mr. Chundrigar, the League Commerce Member, sent abroad trade representatives—some of them vigorous propagandists for Pakistan—responsible only to his own Department. Again, when Liaquat Ali Khan's Budget imposed a 25 per cent tax on business profits over £7,500, one of his motives was thought to be a desire to sow dissension between the industrialist and socialist wings of Congress. In the event, the vociferous protests of the business community found sympathisers among the Congress Members of the Government; the Viceroy had to mediate between the Congress and League factions; and, after a good deal of argument, a compromise was reached whereby the percentage was reduced to sixteen and two-thirds.

In this way the government of the country managed to get along: while the best hope for a long-term settlement lay in the evidence that Congress was resigning itself to the partition of India, provided however that this involved also the partition of the Punjab and Bengal. This solution was the logical consequence of the principle of non-compulsion proclaimed in the Congress resolutions on the Statements of December 6th and February 20th; but towards the end of April it was given more definite shape in speeches by Congress leaders and in the Congress press. 'The Muslim League can have Pakistan if they want it,' said Pandit Nehru bluntly, 'but on the condition that they do not take away other parts of India which do not wish to join Pakistan.' When the Constituent Assembly met for the third time, on April

28th, the President, Dr. Rajendra Prasad, spoke as follows: 'While we have accepted the Cabinet Mission's Statement of May 16, 1946, which contemplates a Union of the different Provinces and States within the country, it may be that the Union may not comprise all Provinces. If that unfortunately comes to pass, we shall have to be content with a constitution for part of it. In that case, we can and should insist that one principle will apply to all parts of the country and no constitution will be forced upon any unwilling part of it. This may mean not only the division of India, but the division of some of the Provinces. For this we must be prepared and the Assembly may have to draw up a constitution based on such a division. Let us not be daunted by the immensity of the task or diverted from our purpose by developments which may take place, but go ahead with faith in ourselves and the country which has sent us here.'

These words set the tone of this session of the Assembly which was torn between, on the one hand, a sense of urgency—since it felt that at least the main lines of the constitution must be drawn before June 1948—and, on the other, uncertainty as to the area for which the constitution must be framed. So long as there was even the remotest chance of the League's coming in, so long as the largest States had not decided to do so, the Assembly would not commit itself to the strong Centre which most non-Muslim opinion considered to be in the best interests of the country. Thus it deferred consideration of the report of the Union Powers Committee which, though it professed to follow the Mission's plan, recommended not only a wide interpretation of the four subjects which the plan had allotted to the Union Centre but also the addition to them of fourteen others—including the Reserve Bank, the Public Debt, Currency and the Judiciary—as inevitably coming within the powers of the Union, and yet another eight, including Planning, as essential to ensure uniform standards of trade and commerce throughout the Union. On the other hand, the Committee did proceed to consider the interim report of the Fundamental Rights Sub-Committee of the Minorities Advisory Committee, and adopted a number of its recommendations. The

Statement of May 16th had suggested that the Committee should advise the Assembly whether the list of fundamental rights should be incorporated in the Provincial, the Group or the Union constitutions. In the event the Sub-Committee came to the conclusion that the fundamental rights of citizens of the Union would have no value if they differed from Group to Group or from unit to unit or were not uniformly enforceable. They therefore recommended that the rights should be incorporated in the constitution so as to be binding on all authorities, whether of the Union or its units: and should be enforceable by a Supreme Court. The list of rights was a long and comprehensive one, laying down such broad principles as freedom of trade within the Union, adult suffrage, the abolition of titles, the prohibition of child labour in factories and mines, and the right to compensation for property taken for public use. Hence, however laudable was the aim that these rights should be secure, the result must necessarily be a substantial accession of power to the Centre. *Dawn* remarked that the report confirmed what the League had always maintained, namely that Congress was determined to make the Union Centre as powerful as, or even more powerful than, the existing Central Government. But the most spectacular recommendation adopted by the Assembly had no bearing on the question of unity or partition, though a great deal on the nature of Hindu society; it was unanimously agreed that untouchability in any form should be abolished and the imposition of any disability on that account should be an offence.

No proposal was made that the Assembly should divide into Sections; for this procedure, unpalatable as it was to the majority, would only become necessary in the now almost inconceivable event of the League deciding to come in. Instead the Assembly adjourned on May 2nd, after appointing committees to lay down principles for the Union and Provincial constitutions. A provisional time-table was drawn up under which the constitution would be completed by the end of October.

If the Congress High Command were now reconciling themselves to partition, the man whose will had once been decisive

with them was still insistent upon the necessity for preserving India's unity. Gandhi was at one with Congress in deprecating the coercion of unwilling parts of the country: but he was strongly opposed to the partition of the Punjab and Bengal. Any 'vivisection of India' he considered a counsel of despair, a confession that the future was not to be determined by co-operation and goodwill but by suspicion and hostility. Lord Mountbatten contrived a meeting between him and Jinnah, the first they had held since September 1944. But the gulf between the two men seemed to have widened during the intervening years. Then Gandhi had at least based the discussion on a formula which acknowledged the possibility of Pakistan.[1] Now, according to a brief statement issued after the talk, he did not 'accept the principle of division'. In the days that followed he preached the gospel of unity persuasively and with untiring persistence.

A few days earlier Jinnah had denounced the proposal to partition the Punjab and Bengal as a 'sinister move'. He differentiated, rather unconvincingly, between the Hindu and Sikh demand for the division of these Provinces and the League demand for a national state comprising the six Provinces in their entirety, on the ground that the latter were the Muslim 'homelands', and that a Pakistan so constituted would still leave three-fourths of British India for the Hindu national state. If the Punjab and Bengal were to be partitioned, he argued, the logical consequence would be for all other Provinces to be similarly broken up. This would strike at the root of the administrative, economic and political life of the Provinces which had been built up for nearly a century. Instead the problem of the Hindu minorities in Pakistan and the Muslim minority in Hindu India might be met by an organised exchange of population.

So Jinnah was now using against the proposal to disrupt Provincial unity substantially the same argument as his opponents had used against his proposal to disrupt the unity of All-India. Now that these opponents had accepted the principle of division they were quick to retort that his suggestion for an exchange of

[1] See p. 34.

population would be much more feasible within partitioned Punjab and Bengal than if those Provinces were handed over to Pakistan undivided, with their very large non-Muslim minorities. For division of the two Provinces would reduce the non-Muslim minority from 38.4 per cent to 26.6 per cent in the north-western zone of Pakistan and from 48.3 per cent to 30.5 per cent in the eastern zone, while in the rest of India the Muslim minority would be 13 per cent.

As for Jinnah's warning that the partition of the two Provinces would only lead to further fragmentation, this might have seemed unrealistic had there not been at this time so much talk of the independence or self-determination of various parts of the country. Some of the Princes and Ministers of the larger States were emphasising that legally they would become wholly independent as soon as the British withdrew, and might very well prefer to remain so. The Sikhs were claiming an independent 'Sikhistan' in their Punjab homelands. In the North-West Frontier Province Pathan self-determination was proposed as a solution of the troubles caused by the intervention of the two major Indian parties in Frontier politics. In Bengal Mr. Suhrawardy, the Muslim League Premier, countered the proposal for dividing the Province with a scheme for a 'sovereign, independent and undivided Bengal in a divided India'; in the government and administration of this new State Hindus and Muslims would share equally. Jinnah would have nothing to say to this project which, on the other hand, won support from some Congressmen, fearful lest any other solution should result in massacres more terrible than any yet seen. The Provincial Congress, however, was to turn it down. Lastly, the Muslim Leaguers of the United Provinces and Bombay, taking Jinnah at his word, were starting a cry that Muslims should be given the right of self-determination in certain areas in those Provinces.

Some at least of these proposals were sufficiently serious to lend force to the argument that a speedy decision on the authorities to whom power was to be transferred was needed in order to check the tendency towards further fragmentation. There were other

ominous signs. Throughout Bengal tension remained high, and in Calcutta only the vigilance of the authorities prevented the daily toll of incidents from reaching the proportions of riot and massacre. In the North-West Frontier Province the Red Shirts, who had hitherto subscribed to the Gandhian creed of non-violence, were forming a new organisation 'armed for defence' against the League. In the Punjab there was during May an ugly recrudescence of rioting in Lahore and Amritsar, a feature of which was apparently systematic fire-raising. The whole of north-west India was in a state of the utmost peril, of which alarming reports of arms manufacture and trafficking were only one symptom. A large-scale migration of refugees and capital from the unsafe areas was getting under way. At the same time the administration was growing ever weaker, so that it now looked as though, far from June 1948 being too early a date for the British withdrawal, it would be quite impossible for the existing machinery to continue working for another twelve months.

Lord Mountbatten's handling of the situation has been criticised, but he certainly cannot be charged with any failure in speed and determination. He had taken to India on his staff Lord Ismay and Sir Eric Miéville, largely in order that through them personal contact with the British Government might be maintained at regular intervals. On May 2nd Lord Ismay flew to London to discuss the Viceroy's estimate of the situation and his proposals for meeting it. Then on May 10th it was announced that the Viceroy had invited the leaders of Congress, the League and the Sikhs to meet him on May 17th in order to present them with a new plan for transferring power. Next day, however, it was given out that the meeting would be postponed until June 2nd owing to the imminence of the Parliamentary recess. The scepticism with which this explanation was greeted seemed to be corroborated when, a few days later, it was learnt that the British Government had invited Lord Mountbatten to pay a short visit to London.

It soon became generally known that the British plan would make no fresh proposals concerning the constitutional structure of the country. The British Government still stood by the

Cabinet Mission's Statement of May 16th as the best means for combining as far as possible the aims of unity and regional autonomy, and the new plan would be devoted mainly to recommending a procedure for carrying out partition, should this be found inescapable. Nor would the British Government have the invidious task of making an award, for the details of the plan, like the great question of unity or division itself, would be decided by Indians themselves. Before leaving for London, therefore, Lord Mountbatten had separate talks with Congress, League and Sikh leaders. He was later to claim that he had worked hand in glove with them 'at every stage and step of development of the plan', which (when they saw it on June 2nd) 'came as no shock nor surprise to them, for although I did not actually produce a written plan' (during the preliminary talks) 'I continued to make notes on what they said and asked them if this was the right way or that was the right way until the plan was constructed'.

The result was that the plan the Viceroy took to London represented the greatest common measure of the Congress, League and Sikh standpoints. Agreement, however, was by no means assured. A few days later Jinnah declared that he was dead against the partition of Bengal and the Punjab, and the League would fight every inch against it. Furthermore at this late stage he put forward a wholly new demand for a corridor through Hindu India to connect Western and Eastern Pakistan. It was hardly surprising that Congress refused to take this seriously. One of the Congress papers commented that the corridor could not be less than 1,000 miles long; and if it were only five miles wide 'it would mean 5,000 square miles of territory merely for conceding Jinnah the pleasure of running his Pakistan special from Karachi to Chittagong'. On the other side, Gandhi told his prayer meeting as late as May 31st: 'even if the whole of India burns, we shall not concede Pakistan, even if the Muslims demanded it at the point of the sword'. The Congress High Command were not so intransigent. Some of them, however, reiterated the demand, put forward in the Congress resolution on the Statement of February 20th, for the immediate transfer of

power to the existing interim Government as a Dominion Government. The new Congress President, Mr. Kripalani, went so far as to say that it would be for this free Government to decide whether India should be partitioned or not, and if so, on what principle partition should be carried out. Any such proposal was of course anathema to the League, as being tantamount to handing over the supreme authority in the country to the Congress 'brute majority' in the Viceroy's Executive Council.

On June 2nd events began to move rapidly. The leaders who attended the meeting with Lord Mountbatten were Nehru, Patel, Kripalani, Jinnah, Liaquat Ali Khan, Nishtar and Baldev Singh. It may be supposed that the final appeal for acceptance of the Cabinet Mission plan, with which Lord Mountbatten opened the proceedings, was made largely for form's sake and met with no response. It only remained, therefore, to lay before the meeting the new plan, in the final form to which the London discussions had brought it.

The plan, which was published next day as the Statement of June 3rd,[1] was mainly concerned with the machinery for discovering whether the inhabitants of the Provinces claimed for Pakistan wished their constitution to be framed in a new Pakistan Constituent Assembly or in the existing Constituent Assembly; in other words whether they wished to join Pakistan or not. The machinery necessarily varied with conditions in the Provinces. In Bengal, the Punjab and Sind, the choice was left to the members of the Provincial Legislative Assemblies, whose wishes could be assumed to represent those of the electorate, and indeed those of the population as a whole. But the Assemblies of Bengal and the Punjab would each meet in two parts, one representing the Muslim-majority districts and the other the rest of the Province. Each part would vote separately on the questions whether or not the Province should be partitioned and, if so, which Constituent Assembly the areas it represented should join. But there was also a provision that if any member of the Legislative Assembly so demanded, a vote of the whole Assembly should be taken on the

[1] Cmd. 7136.

question which Constituent Assembly the Province as a whole should join if the two parts decided to remain united.

If in either part of the Legislative Assembly the verdict went in favour of partition, the Province would be provisionally divided on the basis of Muslim and non-Muslim majority districts. Thereafter the Viceroy would appoint a Boundary Commission, whose membership and terms of reference would be settled in consultation with those concerned, to demarcate the boundaries of the two parts of the Province on the basis of contiguous majority areas of Muslims and non-Muslims, but also taking into account other factors.

The North-West Frontier Province presented a difficult problem, for its Congress Government was still in office, and of its three representatives in the Constituent Assembly two were Congressmen who were already taking part in the existing Assembly. But if the western districts of the Punjab were to join Pakistan, the Frontier Province would be cut off from Congress India; while, whatever the advocates of Pathan self-determination might say, its poverty would prevent its maintaining an independent existence. It was therefore necessary to give the Province an opportunity of deciding whether in the new situation it wished to form part of Pakistan. The responsibility of making this crucial decision could not fairly be entrusted to the Provincial Assembly, in which the Hindu and Sikh minorities, though constituting only eight per cent of the population, had been allotted no less than twelve seats out of a total of fifty. Hence the plan provided that the Viceroy, in consultation with the Provincial Government, should arrange for a referendum of the whole body of electors to the Assembly.

If the decision in Bengal went in favour of partition, a similar referendum would be held in the Sylhet district of Assam, which was the only predominantly Muslim district of the Province and which marched with the Muslim eastern districts of Bengal. If the referendum favoured amalgamation with east Bengal, a Boundary Commission would demarcate the Muslim majority areas of the Sylhet district and contiguous Muslim majority areas

of adjoining districts, which would thereupon be transferred to east Bengal.

Some machinery would also be devised to find out which Constituent Assembly the people of British Baluchistan wished to join.

The new plan concluded with an announcement which promised to make the task of transferring power very much simpler than had been feared. After declaring that the British Government were now willing to hand over even earlier than June 1948, it said that they proposed to introduce legislation during the current session of Parliament for the transfer of power in 1947 on a Dominion status basis to one or two successor authorities according to the decisions taken under the plan. This would be without prejudice to the right of the Constituent Assemblies to decide in due course whether the parts of India which they represented should remain within the British Commonwealth. It soon became generally known that August 15th was the date on which the British would hand over.

On the evening of June 3rd Pandit Nehru, Jinnah and Sardar Baldev Singh broadcast on the plan. Each spoke of it with more resignation than enthusiasm, for none of their parties had got all it had demanded and the shadow of communal conflict lay over everyone. Nevertheless all three hinted more or less strongly that their followers would accept the plan. Jinnah, the most cautious, said that it would be submitted to the Muslim League Council, but that on the whole the reaction in League circles in Delhi had been hopeful. Lord Mountbatten was evidently prepared to take the risk of going ahead on this somewhat insecure basis; for when he was asked at his Press Conference next day what would be the position if the plan was rejected by the League Council, he replied that he had decided to underwrite the assurances given him by the leaders of the various parties and took full responsibility for going ahead with the plan.

In preparation for the announcement of June 3rd, large additions had been made to the forces of law and order where disturbances were most to be feared; 50,000 troops and 10,000

armed police were drafted to the Punjab, the North-West Frontier Province, Calcutta and Bombay. In the event the country received the news quietly, and doubtless the leaders' favourable attitude towards the plan and their appeals for peace had an effect. The main grounds for hope were that at long last agreement seemed to have been reached and that independence was to come even sooner than had been expected.

Jinnah in his broadcast had asked the Frontier Province Leaguers to end their civil disobedience movement; and this was done at once. The similar movement in Assam was also given up. There was further ground for satisfaction in the attitude of Gandhi. He had been expected to criticise strongly a plan which opened the way to partition; there was relief when he told his prayer meeting that the responsibility for partition would lie not with the British Government or the Viceroy, but with the Hindus and Muslims, who had failed to agree. By June 7th he was recommending that the All-India Congress Committee should accept the plan. Elsewhere on the non-Muslim side, however, it was feared that the League would never accept the settlement as a final one, but would always be plotting to capture the whole of the Punjab, Bengal and Assam. This fear was given substance when *Dawn* asserted on June 4th that the Muslim nation could never reconcile itself to the act of vandalism that had truncated Pakistan.

Nevertheless Jinnah gave no countenance to League irredentism and did not return to his demand for an east-west corridor; and when the League Council met a few days later it was clear that his all-important influence was on the side of acceptance. The large proportion of members of the Council who came from the Hindu majority Provinces might be expected to be alarmed at the prospect of being cast adrift in Hindu India without the special representation in the Legislatures and the Services that they had been granted by the British. Nevertheless by 400 votes to 8 the Council, while professing itself unable to agree to the partition of Bengal or the Punjab, gave Jinnah full authority 'to accept the fundamental principles of the plan as a compromise' and to take all necessary steps and decisions in connection with it. The

All-India Congress Committee likewise accepted the plan in a resolution which was distinguished by its freedom from provisos and qualifications. It did, however, contain an eloquent profession of faith in India's essential unity and her ultimate destiny as a single nation; and in the debate also several speakers, following a lead given by Gandhi several days before, prophesied that partition would be no more than a temporary phase. The resolution was carried by 157 votes to 29, 32 members remaining neutral. The opposition came mainly from Hindu communalists and from 'Nationalist' Muslims who felt that Congress had let them down; while those who stood aside were the Socialist group.

These dissidents could not reconcile themselves to the partition of their country. Those on the right regarded India as united through Hinduism, those on the left felt that her people ought to be united behind a common programme of social and economic betterment. There were some who insisted on treating the plan as a 'British award'; to these partition was the culmination of the alleged 'divide and rule' policy, and Dominion status would mean the persistence of British influence. Outside Congress the Communists, following the Moscow lead, were asserting that partition and Dominion status together would in some undefined way enable Britain to maintain her control. More reasoned criticism pointed once more to the political and economic disadvantages of partition, emphasising in particular that the splitting of the Punjab would cut the Sikhs in two. And if, as seemed likely in the light of the 'objectives' resolution, Hindu India left the Commonwealth while Pakistan remained within it, might not an embarrassing situation arise for all concerned—Hindus, Muslims and British?

But outside India, and especially in the Commonwealth and the United States, the fact that the two new States would start their independent existence with Dominion status was the feature of the plan which made the greatest impression. This was rightly regarded as a personal triumph for Lord Mountbatten. In his broadcast on the plan he described how he had suggested the Dominion status solution to the British Government in order to

resolve the dilemma that 'if we waited until a constitutional set-up for all India was agreed, we should have to wait a long time, particularly if partition were decided on. Whereas if we handed over power before the Constituent Assemblies had finished their work we should leave the country without a Constitution'. But the world refused to regard this solution merely as an expedient for achieving a smooth and rapid transfer of power. Dominion statesmen hastened to express their hope that the Indian peoples would choose of their own free will to remain within the Commonwealth; and pro-British opinion in the United States hailed the plan as a triumph of statesmanship and as a proof that the Commonwealth still possessed the wisdom and vitality to adapt itself to changing conditions.

The same feature of the plan was mainly responsible for securing for it the guarded approval of the British Parliamentary Opposition. Mr. Churchill observed that the two conditions foreseen at the time of the Cripps Mission appeared to have been fulfilled—namely, first, agreement between the Indian parties and, secondly, a period of Dominion status in which India or any part of it might freely decide whether to remain in the Commonwealth or not. If these two conditions proved to have been maintained, then all parties would be bound by the pledges given in connection with the Cripps Offer, and the Opposition would not oppose the proposed legislation. Mr. Churchill's statement, though extremely cautious and full of qualifications, deepened the impression that the new plan, unlike the Statement of February 20th, commanded the support of the whole British people.

Lord Mountbatten had defined his own part in the working out of the plan as that of 'the mechanic who keeps the car running, but I do not actually sit in the driver's seat and turn the wheel'. In reality his personality was the directing and energising force behind the whole vast organisation of partition and transfer, and his governing principle was the paramount necessity for speed. The famous desk calendar which he devised for his staff reminded them in enormous red and black letters of the number of days left to them 'in which to prepare for the transfer of power'.

Partition of the country and of the Punjab and Bengal was now regarded so much as a foregone conclusion that he could begin as early as June 5th to discuss with the leaders the procedure for tackling the immensely difficult task of dividing the country's resources. The machinery which was set up as a result had at its apex a Partition Committee of the interim Government consisting of Lord Mountbatten as Chairman, Sardar Patel and Dr. Rajendra Prasad from Congress and Liaquat Ali Khan and Sardar Abdur Rab Nishtar from the League (Sardar Baldev Singh was not included after Jinnah had objected that he would tilt the balance in favour of Congress). The Committee's function was to co-ordinate through a Steering Committee of two high officials—a Hindu and a Muslim—the work of a multitude of expert committees and sub-committees, each likewise consisting of an equal number of Hindu and Muslim officials and each dealing with a particular aspect of partition. The principal committees handled respectively the division of the armed forces; organisation of records and personnel; assets and liabilities; revenue; currency, coinage and exchange; budget and accounts, with a departmental subcommittee on railways and posts and telegraphs; economic relations; domicile; foreign relations; and contracts. Each of the sub-committees tackled a specific problem such as the division of All-India Radio or the splitting up or duplication of files.

The committee on the division of the armed forces and its sub-committees were peculiar in that each contained a number of British officers, with a high-ranking British officer as chairman. This organisation was faced with a task of the utmost complexity. Of all the institutions in India, the army was the one with whose building up and daily life the British had been most intimately connected; it was also the least communal—a telling argument against those who maintained that the guiding principle of British policy had been 'divide and rule'. The great majority of battalions and regiments were mixed units, containing both Hindus and Muslims. The admixture was generally by complete companies and squadrons, but it frequently went lower, especially in headquarter companies and in the artillery and technical arms.

Hence the great majority of battalions and regiments would have to be broken up, sometimes by companies but sometimes down to the last man. This would be such a drastic and destructive operation that some observers hesitated to accept it as a logical consequence of partition; and the suggestion that the two new Dominions should retain at least a joint General Staff was frequently mooted.

Nevertheless it became clear, at any rate in New Delhi, that despite all risks political feeling demanded a complete splitting up of all three services. Furthermore the Partition Committee considered it essential that by August 15th each of the Dominions should have within its territories and under its own operational control forces predominantly composed of Muslims and non-Muslims respectively. In these difficult circumstances it was decided that, on the one hand, the heads of the armed services of the two Dominions should at once be chosen and start setting up their headquarters, so as to be ready to take over command by August 15th; and, on the other hand, all the existing armed forces in India should remain under a single administrative control until they had been finally sorted out into two distinct forces and the two Governments were in a position to pay, feed, clothe and equip them. This unified control would be exercised by the existing Commander-in-Chief, Field Marshal Auchinleck, who in his turn would be under a Joint Defence Council in which he would be associated with the Governor-General or Governors-General of the Dominions and the two Defence Ministers. In order to avoid confusion Field Marshal Auchinleck would be styled Supreme Commander from August 15th until his work was completed. He would have no responsibility for law and order, no operational control over any units save those in transit from one Dominion to the other, nor any power to move troops within the borders of either Dominion.

The partition of the armed forces would be in two stages, the first of which would be a more or less rough and ready division on a communal basis, involving the immediate concentration of all Muslim-majority units in the Pakistan area and all Muslim-

minority units outside it. The second stage would be to comb out the units themselves on the basis of the voluntary transfer of individuals. It was hoped that the two stages, together with the provision of administrative and maintenance services, would be completed by April 1st, 1948, thus making it possible to dispense with the system of joint control.

British officers serving with the Indian armed forces were urged to stay on for limited periods, in order to help in carrying through the process of division successfully. This meant that the working out of the plan for the complete nationalisation of the armed forces would take longer than had been anticipated.

The first of the two stages proceeded with surprising smoothness, and within eleven days of the establishment of the Committee to divide the armed forces final decisions had been reached on the division of ships of the navy and some units of the army.

Meanwhile arrangements were made for members of the civil services—both European and Indian—to be asked whether they wished to continue their service after August 15th and, if so, which of the two new Governments they wished to serve. The results of the special consideration given to the future of the members of the Indian Civil Service, Indian Police and the other Secretary of State's Services had been announced at the end of April. The interim Government, anxious not to lose experienced officers, had promised to give those who continued in service the same terms as hitherto. To those who retired they undertook to pay pensions in proportion to length of service: this applied also to members of the Defence Services. The British Government for their part undertook, in fulfilment of past pledges, to pay compensation to the Europeans (who were of course the majority) among these retiring officers for the loss of their careers and prospects consequent on the transfer of power. Indian officers who retired would not receive compensation save in certain exceptional cases: the fact that they could continue to serve their country, and with improved prospects, was considered to put them in a distinct category from the Europeans and to justify the difference in treatment.

By the end of June the procedure for deciding on the unity or partition of Bengal and the Punjab had been worked out, and in each case had resulted in a verdict in favour of partition. In Bengal Congress members asked for a preliminary vote of the whole Legislative Assembly on which Constituent Assembly the Province should join if it was decided to remain united: 126 members voted to join a new Pakistan Constituent Assembly against 90 in favour of joining the existing one. Thereafter the Assembly divided into two parts, and that representing the non-Muslim majority areas decided by 58 votes to 21 that the Province should be partitioned. The other part, representing the Muslim majority areas, voted to remain united by 106 to 35; but under the plan a vote of either part in favour of partition meant that partition must be carried through.

The Bengal Assembly voted in an atmosphere of comparative quiet; but in the Punjab as voting day approached Lahore and Amritsar were troubled by bomb outrages, arson and stabbings, and the Assembly met behind barbed-wire barricades and a strong police guard. Here the whole Assembly voted by 91 to 77 to join the new Pakistan Constituent Assembly; then the members from the Muslim-majority areas of the western Punjab voted against partition by 69 votes to 27; but partition was made certain when the members from the non-Muslim majority areas of the east decided in its favour by 50 votes to 22.

The first result of these decisions was the replacement of the Partition Committee of the interim Government by a Partition Council representing the interests of the two future Governments. The membership of the Council remained the same as that of the Committee except that Jinnah replaced Sardar Abdur Rab Nishtar. Partition Councils were also set up for Bengal and the Punjab; while the Bengal Ministry, hitherto representing the Muslim League only, was now enlarged to include Hindu Ministers from the western districts.

That Sind and British Baluchistan would vote to join Pakistan was never in doubt. The Sind Legislative Assembly registered this decision on June 26th by 33 votes to 20, the minority

consisting of Congressmen. For British Baluchistan the crucial vote was taken at a joint meeting of the Shahi Jirga—a council of tribal chiefs—and the non-official members of the Quetta Municipality. The result was a unanimous vote in favour of Pakistan; but the non-Muslim members of the Municipality had absented themselves.

The referendum in the Sylhet district of Assam, held early in July, resulted in 239,619 votes for joining East Bengal against 184,041 for remaining in Assam. The shape of East Pakistan was now complete, except for the adjustments to be made by the Boundary Commission.

The North-West Frontier Province was the last area whose fate had to be decided, and the one where the situation was the most dangerous and the most complex. The Viceroy, who had the main responsibility for organising the referendum, and Dr. Khan Sahib, the Provincial Prime Minister, both pledged themselves to create conditions in which every elector would be able to vote freely. A team of forty British officers of the Indian Army with experience of the Frontier was appointed to conduct the referendum, under the leadership of a Referendum Commissioner, Brigadier J.R. Booth. The Statement of June 3rd had of course implied that the choice before the electors would be whether to join Pakistan or the rest of India. But the Red Shirts who supported the Provincial Government saw that, however much their fortunes might have become linked with Congress, union with Hindu India would not now be a practical proposition; in what was virtually a choice between Hindus and people of their own faith, the verdict of the electors in favour of Pakistan could be taken for granted. Thus, as a last desperate alternative to political extinction in Pakistan, the Red Shirts fell back upon the solution of a free state of Pathanistan comprising the Province and the neighbouring tribal areas; and their leader Khan Abdul Ghaffar Khan, the Premier's brother, took the line that the people of the Frontier should not be required to vote on a 'communal question', but on the real issue of Pakistan versus Pathanistan. The Pathanistan project received what Jinnah called the 'apostolic

blessing' of Gandhi; and this, combined with the fact that Abdul Ghaffar Khan was a member of the Congress Working Committee, aroused the dangerous suspicion that Congress was going back on its acceptance of the June 3rd plan. Abdul Ghaffar Khan came to Delhi for a discussion with Jinnah; he afterwards said that he had asked Jinnah to allow the Frontier Province to declare its independence on condition that it would join Pakistan if the constitution was to its liking. He and his followers would even agree to sit in the Pakistan Constituent Assembly, if they were given the right to opt out. He also said that the Viceroy, on being approached about giving the Frontier electors an opportunity to vote for Pathanistan, had replied that he could not change the procedure except with the consent of the parties; but while Congress had been willing for the opportunity to be given, Jinnah had been entirely opposed to it.

Jinnah indeed issued a statement denouncing the demand for Pathanistan as 'insidious and spurious', but adding that obviously the Pakistan Constituent Assembly could only frame a constitution wherein the Frontier would be an autonomous unit and the Frontier people masters of their own internal affairs. He was evidently aware of the strength of the position which the League had won for itself in the Frontier Province; and Abdul Ghaffar Khan, equally conscious of his own party's weakness, could only appeal to his followers to boycott the referendum. During the referendum period, from July 6th to 17th, 15,000 troops were concentrated in the Province to help the police keep order. The boycott however was a peaceful one, and the referendum passed off quietly. It resulted in 289,244 votes for Pakistan against 2,874 for India. Because of the boycott, the extent of the League's victory could only be judged by the percentage of the total electorate which voted. This was no more than 51, and Congress supporters pointed to this figure as evidence that the verdict in favour of Pakistan was by no means a decisive one. Since, however, only 65 per cent of the electorate had voted in the elections of 1945, the result endorsed the view that the League had considerably strengthened its position during the intervening two years.

A remarkable feature of the Pathanistan campaign had been the support it received from the Government and press of Afghanistan. Clearly this support was not disinterested: press commentators emphasised the necessity for revising the Anglo-Afghan agreements defining the Indian border and claimed that the temporary dividing lines had not been able to divide the 'Afghan nation' consisting of Pathans on both sides of the Khyber. It became known that the Afghan Government had sent notes to the British and Indian Governments claiming in effect that all inhabitants of India west of the River Indus were Afghans who had been impatiently awaiting the day when they could reunite with their Afghan brethren; and asserting that the hour had now arrived when these people had a right to decide whether their future should lie with India, Afghanistan or independence. As was only to be expected, the Afghan Government received no reply which held out any hope that these claims would be admitted.

In London as well as New Delhi the authorities were impressed with the need for working quickly. The increasing tempo which marked the June 3rd plan, as compared with the Statement of February 20th, was further accelerated by the Indian Independence Bill. During the month which followed June 3rd the Bill was drafted, referred to the Viceroy and discussed by him separately with the Congress and League leaders: so that on July 4th a Bill could be introduced in the House of Commons which, in its main lines at any rate, had been agreed by the two major Indian parties.

The title of the Bill was important because it emphasised once more that Dominion Status implied independence and because, save that it made no mention of partition, it expressed the governing purpose of the measure. This was to provide for the setting up on August 15th of the two independent Dominions of India and Pakistan and for the transfer to their Governments of all the powers hitherto exercised in British India by the Parliament and Government of the United Kingdom.

When partition had first become an immediate issue, the

country to be formed from the mainly Hindu Provinces had been commonly referred to as 'Hindustan'. The Congress leaders, however, insisted that it should be called 'India'; in their eyes the process was not the cleavage of India into two new entities but merely the secession of certain Provinces and parts of Provinces from an India which would otherwise retain its identity. This would enable the Dominion of India to become the legal inheritor of the treaty obligations of undivided India and of her membership of the United Nations and other international bodies. This view of India's international status was later endorsed by the United Nations Organisation, with the consequence that Pakistan had to apply for separate membership. In the event her application was handled with great speed, so that she became a member after only three days of independent existence.

The Bill went on to define the territories of the two new Dominions, so far as it was possible to do so at that date; and to lay down that for each there should be a Governor-General, though the same person might hold the office in both. The object of this proviso was to enable Lord Mountbatten to become joint Governor-General of the two Dominions during the difficult early months of their existence; it was thought that with his prestige and impartiality, and with the very wide powers which the Bill conferred upon the office during its initial stages, he would be able to give invaluable help towards securing a smooth and fair distribution of assets and liabilities. However, this arrangement could come into effect only if approved by the Congress and League leaders who, in the absence of properly constituted Dominion Cabinets, were invited to make recommendations to the Crown. In the event the Congress leaders readily agreed to the proposal. Apparently they believed that the League would also agree; in fact the future rulers of Pakistan, bent on eliminating every vestige of unity with the Hindu Dominion, insisted on a separate Governor-General, although they would have had most to gain from an impartial authority to supervise the processes of partition. Had there not been this misunderstanding, the Congress leaders might well have recommended, if only for

reasons of prestige, an Indian as their Governor-General. As it was, their recommendation of Lord Mountbatten had already been put forward and they did not withdraw it. To critics on their left they could retort that the appointment was in any case likely to be short-lived, since the draft constitution provided for a President of an Indian Republic. And so, when moving the second reading of the Bill, the Prime Minister announced that the recommendations of the parties were in favour of the present Viceroy as Governor-General of India and Mr. Jinnah as Governor-General of Pakistan. He added, however, that the League had agreed that Lord Mountbatten should be Chairman of the Joint Defence Council mentioned above.

The authors of the Bill were confronted with the problem of getting Parliaments at work in the two Dominions, whose new constitutions had still to be devised, and at the same time providing for the framing of these constitutions. This they solved by giving the two Constituent Assemblies the status of Parliaments, with the full powers of Dominion Legislatures. The Bill declared that after August 15th the British Government would have no responsibility for the government of any part of what had hitherto been British India. As for the Indian States, the relevant clauses provided for the lapse, from the same date, of the Crown's suzerainty and of all its treaties and agreements with the State rulers. The Crown's agreements with the authorities in the tribal areas would likewise come to an end.

The Bill went on to declare Parliament's consent to the omission of the words 'Indiae Imperator' and 'Emperor of India' from the King's title, and to the issue of a Royal Proclamation for that purpose. This alone would not be sufficient, however; for under the Statute of Westminster any change in the King's title requires the separate approval of each member State of the Commonwealth. The Prime Minister told the House that in this instance the other Commonwealth Governments had agreed to play their part.

The advantage of Dominion Status, considered as a device for promoting a smooth and rapid passage to independence (and this

is how it was regarded in India at this time), was shown in the clause continuing in force the Government of India Act of 1935 and the Orders and rules made under it until these should be altered by the Constituent Assemblies. The application of these enactments was of course subject to very considerable exceptions, notably those necessitated by partition and by the removal of all powers of direction and control hitherto exercised by the British Government, the Governor-General and the Provincial Governors. Even so, this expedient furnished each of the new Dominions with a ready-made framework of government which would continue until a home-made constitution could take its place. Also valuable for securing continuity was the stipulation that, except where the Bill provided otherwise, the existing law of British India and the Provinces should remain in force after August 15th until altered by the Dominion Legislatures.

Another clause—inserted at the express request of the Indian parties—dealt with the perpetuation as far as possible of the terms of service of those members of the Secretary of State's services who would be employed by the new Governments. Yet another clause safeguarded the continued authority and jurisdiction of the British Government and service authorities over any British force remaining in the new Dominions after August 15th. Mr. Attlee undertook, however, that on the transfer of power the withdrawal of the British armed forces from India would be started immediately, carried out as rapidly as shipping permitted, and completed probably by the end of the year.

Other clauses dealt with matters of secondary or transitional importance, and the Bill contained no more than twenty clauses in all. It escaped the need for going into fuller detail by conferring upon the Governor-General and the Governors of the Provinces to be partitioned very wide powers to make orders for a great variety of purposes. Thus was provided the machinery whereby existing laws and rules could be adapted so as to bring the Act into operation, carry out partition, make the provisional constitution, and keep in operation during the crucial transition period services vital to the two Dominions such as communications,

defence and the monetary system. These powers would be relinquished by the Governors on August 15th, when their Provinces would be partitioned; but the Governor-General would continue to exercise them, though on the advice of his Ministers, until the end of March 1948, unless either Dominion decided to terminate them earlier.

The Bill had an unopposed second reading in the House of Commons: the Opposition moved no amendments in Committee; the third reading took place on July 15th; on the same day the Bill was introduced in the Lords; and on the following day it passed through all its stages there. On July 18th, only fourteen days after its introduction, it received the royal assent in company with a number of measures, such as the Felixstowe Pier Bill and the South Metropolitan Gas Bill, of hardly comparable importance. 'Never before', commented the *Times*, 'in the long annals of the Parliament of Westminster has a measure of this profound significance been accorded a passage at once so rapid and so smooth.' The Commons had had the very unusual experience of seeing a Bill piloted through the Committee stage by the Prime Minister. In both Houses tributes were paid to him, and his dealings with India were compared to those of Campbell-Bannerman with South Africa.

On the day after the Act was passed, the legal birth of the new Dominions was marked by the splitting of the interim Government into two groups, representing the two successor Governments. The groups met separately to consider matters affecting their own territories only, and jointly under the chairmanship of the Viceroy to discuss matters of common concern. Already the first special train had left Delhi for Karachi, the newly chosen capital of Pakistan, bearing a party of officials to establish a secretariat. The transformation of Karachi from a Provincial capital to that of the fifth largest State in the world was undertaken with energy and enthusiasm in the face of immense difficulties.

The Constituent Assembly in New Delhi, its functions now confined to the future Indian Dominion, had opened its fourth session on July 14th. The acceptance of partition had made

possible the attendance of the Muslim League members from the Hindu majority areas, and twenty-three of these took their seats, professing themselves 'loyal and law-abiding citizens of India'.

When the June 3rd plan had first appeared, Congress opinion had found some solace for partition in the reflection that there would now be no need for the diffusion of power among the Provinces, to say nothing of Groups, for the sake of bringing in the Muslim majority areas. Instead the reduced territories of India would be able to have the strong central government which seemed so desirable, especially in the light of modern ideas of economic planning. The Assembly's President, Dr. Rajendra Prasad, had already expresssed the view that it was no longer bound by the provision in the Cabinet Mission plan that resolutions varying the agreed basis of the constitution or raising any major communal issue must be agreed to by a majority of the representatives of each of the two major communities. Pakistan, he observed, was in a sense a substitute for this. When the session opened, this line of thought was developed with great vigour by Mr. K. M. Munshi when presenting a report of the Order of Business Committee. The limitations imposed on the Assembly by the Mission's plan, he said, were like the ancient Roman method for the punishment of criminals, who were tied in a bag with a monkey, a snake and a cock and then drowned in the river. They had now got out of the Roman bag and were free to have a federation of their own choice, with as strong a centre as they could make it. There would now be no sections, no Groups, no double majority, no Provinces with residuary powers, no opting out, no revision after ten years, and no longer only four categories of powers for the centre. The disturbances which were to follow partition underlined the need for a strong central executive to deal with emergencies and the constitution which the Assembly was eventually to approve bears ample witness that these views prevailed.

As August 15th approached, the essential machinery for effecting partition was rapidly assembled. Sir Cyril Radcliffe, K.C., who had been appointed common Chairman of the Boundary

Commissions for the Punjab and Bengal, had arrived in India on July 8th; but already the other members—consisting in each case of four High Court Judges, two Hindu or Sikh and two Muslim—had met in order to receive submissions from the various parties. A somewhat similar tribunal was set up to adjudicate on problems of the division of assets and liabilities of the existing Government of India and the partitioned Provinces; its Chairman was Sir Patrick Spens, the retiring Chief Justice of India, with whom were associated one Hindu and one Muslim Judge.

When the names were announced of those who would hold the highest offices in the two Dominions, it became clear that there would be a large degree of continuity between the old regime and the new, and that the means of securing this included the appointment of members of the former ruling race. The heads of the naval, military and air forces of both India and Pakistan, for example, were all distinguished British officers. India invited the Governors of Bombay and Madras, Sir John Colville and Sir Archibald Nye, to stay on for a few months longer; Pakistan chose Britons as Governors of four of her five Provinces and as heads of eight of her twenty-three Departments. India also showed a striking readiness to entrust some of the highest posts to women; Mrs. Sarojini Naidu was made Governor of the United Provinces, Mrs. V. L. Pandit—sister of Pandit Nehru—became the first Indian Ambassador to the Soviet Union, and Rajkumari Amrit Kaur the Minister for Public Health.

On August 13th Lord Mountbatten flew to Karachi; and the next day he addressed the Pakistan Constituent Assembly, which had met for the first time a few days earlier. After reading a message of greetings and good wishes from the King, he bade his own farewell as Viceroy and his welcome to the new State as constitutional head of a friendly neighbour. Jinnah replied in a similar strain; and the ceremony marking the formal transfer of power was accomplished in an atmosphere of mutual sympathy and congratulation. Nor had Jinnah neglected to express his friendship for the new Dominion of India. In a farewell message to the citizens of Delhi he had wished her prosperity and peace

and urged that the past must be buried. He added 'let us start afresh as two independent sovereign States'.

The Viceroy, whose advancement to an Earldom was now announced, hastened back to New Delhi where at 11 p.m. on August 14th the Constituent Assembly met to assume sovereign power. The proceedings were solemn and dignified. After the singing of the first verse of 'Vande Mataram', the national song of the new India, and a speech by Dr. Prasad, all stood in silence for two minutes in memory of those who had died in the cause of independence. Pandit Nehru then spoke and, on his motion, the final stroke of midnight was immediately followed by a solemn pledge of dedication to the service of India and her people. Finally the Assembly authorised Pandit Nehru and Dr. Prasad to go to the Viceroy's House, inform him that the Constituent Assembly had 'assumed responsibility for the governance of India', and formally invite him to accept the office of Governor-General.

In the morning a swearing-in ceremony at the Viceroy's House (henceforth to be known as Government House) was followed by a meeting of the Constituent Assembly broadly similar to that held in Karachi the day before. An important point of difference was of course that Lord Mountbatten addressed the Indian Constituent Assembly as Governor-General; but even in so doing he announced that he intended to ask for release in the following April so as to make way for an Indian.

No further acts or ceremonies were required to mark the transfer of power which, though its final stages were so rapid, had in fact been taking place gradually over a long period of years.

During the night there had been scenes of vast popular enthusiasm in all the cities of India. In New Delhi these rose to a peak next day when Lord and Lady Mountbatten drove in state through the streets. Wildly cheering crowds broke through the police cordons, swarmed round the carriage and insisted on shaking hands with their new Governor-General and his wife. Likewise Pandit Nehru and the other leaders were tumultuously acclaimed.

Throughout the country August 15th and 16th were public holidays, and the coming of independence was celebrated not only by ceremonies of all kinds, but by such gestures as the release of prisoners, the feeding of the poor, the payment of special bonus to workers and the remission of land revenue to peasants. Indians generally—or at least the educated few—were in fact undergoing an intense emotional experience which filled them with peace and goodwill towards all men. The leaders' speeches contained no harsh words about the British who had, on the contrary, suddenly become immensely popular. While there was an under-current of regret that independence was accompanied by partition, most Indians seemed ready enough to hold out the hand of friendship to Pakistan; there were indeed remarkable scenes of communal fraternisation in the streets of Delhi, Bombay and Calcutta. The leaders warned the people of the solemnity of the occasion, the perils of discord and famine, and the immensity of the tasks ahead; but the mood of the moment was naturally one of holiday-making and jubilant celebration.

In Karachi the birth of Pakistan evidently aroused similar feelings. If some observers found remarkably little emotional display, the outward manifestations were similar to those in the Indian Dominion—crowds, bells, illuminations, flags, fireworks. The swearing-in of Jinnah as Governor-General took place on the lawn of Government House on the morning of August 15th; it was preceded by a reading from the Koran and followed by a gun salute and enthusiastic cheering. As the architect of Pakistan, Jinnah was assuming a position totally different from that of any other Governor-General of a British Dominion. As soon as his appointment became known he had explained that, far from retiring from active politics, he would get deeper into them. He was still President of the All-India Muslim League; and he had lately been elected President of the Pakistan Constituent Assembly. One of the first acts of the Assembly had been to confer upon him the title of Qaid-i-Azam (great leader). When moving the motion for this Liaquat Ali Khan had apostrophised him as 'the Ataturk or the Stalin of our State'.

Soon after the decision to set up two independent Dominions had been finally taken, the members of the Partition Council, on behalf of the future Governments, had declared their determination to establish peaceful conditions for the working out of partition. They reaffirmed assurances already given by Congress and the League of fair treatment for the minorities after the transfer of power, undertaking to safeguard the legitimate interests of all citizens irrespective of religion, caste or sex in the exercise of their normal civic rights. All citizens would be regarded as equal and were assured of such rights as freedom of speech, association and worship, and the protection of their language and culture. The future Governments abjured discrimination against their former political opponents, and emphasised in the strongest terms their resolve to safeguard the peace.

It was only too clear that the Provinces where a breakdown of public order after August 15th was most to be feared were the Punjab and Bengal, and that the areas of greatest danger would be those through which the newly drawn frontiers would run. The future Governments pledged themselves to accept the awards of the Boundary Commissions whatever these might be and to enforce them impartially as soon as they were announced. A special Boundary Force, consisting of over two divisions of mixed Indian troops, was established to keep the peace in the twelve central districts of the Punjab during the period of change-over to the new conditions. Its Commander, Major-General T. W. Rees, was responsible through the Supreme Commander (Field-Marshal Auchinleck) and the Joint Defence Council to the two Governments; and an Indian Brigadier and a Pakistani Colonel were attached to him as advisers. The Force contained in all some fifty thousand officers and men, and a high proportion of the officers were British. A similar organisation, it was decided, would be set up in Bengal if necessary.

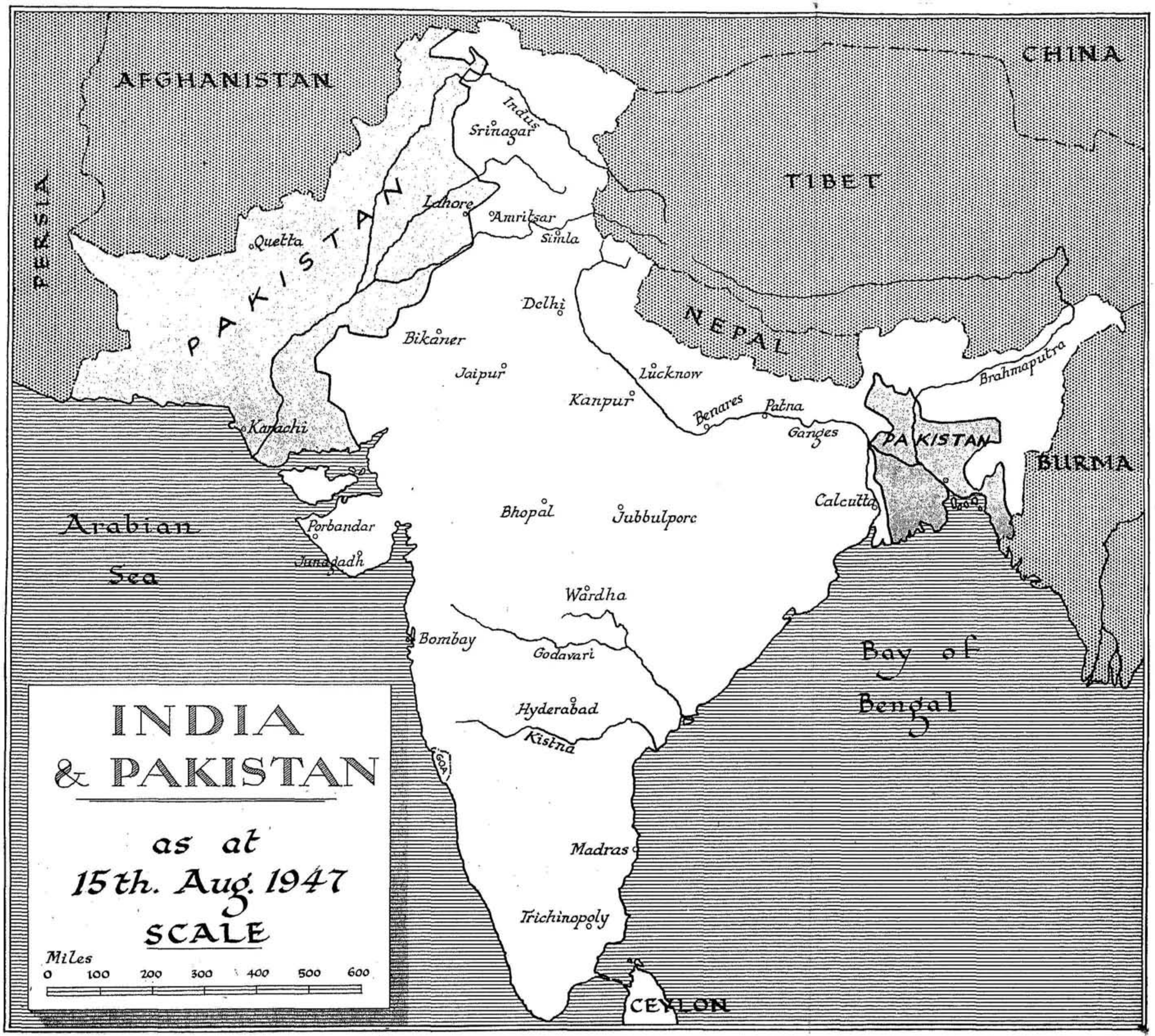
The findings of the Boundary Commissions were not announced until August 17th; their publication was deliberately withheld so that the contention they must inevitably provoke should not mar the celebration of independence. In his report

Sir Cyril Radcliffe explained that although there were large areas in each Province which had provoked no controversy, the Hindu and Muslim members of the Commissions had been unable to agree on any of the issues arising in the other areas which were disputed between the communities. The Chairman had therefore to give his own decisions, so that these became in effect the awards of the Commissions.

In the Punjab Sir Cyril was faced with the task of drawing a frontier line through the bitterly disputed region between the Beas and the Sutlej rivers on the one hand, and the river Ravi on the other. Here no boundary could be devised which would not cut across systems of canal irrigation, railways and roads, all developed on the assumption of a single administration for the whole Province. There were certain not inconsiderable areas, east of the Sutlej and in the angle of the Beas and the Sutlej, which Sir Cyril felt obliged to award to East Punjab although they had Muslim majorities, so as not to disrupt railway communications and water systems. Elsewhere he could not avoid breaking up services of this kind: and he could only express his hope that a solution might be found in political arrangements between the two States such as lay outside the scope of the Commission but which might, for instance, provide for the joint control of the resources in question.

There was also the complication that each side vigorously maintained its claim to both Lahore and Amritsar. Sir Cyril's line gave the former to Pakistan and the latter to India. ,

In Bengal Sir Cyril found the most diverse solutions to the frontier question propounded by the parties concerned; and a province which offered 'few, if any, satisfactory natural boundaries' and which had developed 'on lines that do not well accord with a division by contiguous majority areas of Muslims and non-Muslims'. Here also he found it impossible to draw a boundary under the Commission's terms of reference without causing some interruption of railway and river systems; so that here also he could only suggest political arrangements designed to minimise the consequences of such interruption. His award



AFGHANISTAN
CHINA
TIBET
PERSIA
PAKISTAN
NEPAL
BURMA
CEYLON
Arabian Sea
Bay of Bengal
Indus
Srinagar
Lahore
Amritsar
Simla
Quetta
Delhi
Bikaner
Jaipur
Lucknow
Kanpur
Benares
Patna
Ganges
Brahmaputra
Karachi
Calcutta
Bhopal
Jubbulpore
Porbandar
Junagadh
Wardha
Bombay
Godavari
Hyderabad
Kistna
GOA
Madras
Trichinopoly
INDIA
& PAKISTAN
as at
15th. Aug. 1947
SCALE
Miles
0 100 200 300 400 500 600

drew a nearly straight north-south line from the Himalayan foothills east of Darjeeling to the Bay of Bengal just east of Calcutta, which thus fell to India.

On behalf of the Bengal Commission, Sir Cyril had also to decide how much of the Sylhet district of Assam, with any contiguous Muslim-majority areas of adjoining districts, should be transferred to East Bengal. His decision gave the latter nearly the whole of Sylhet but no other part of Assam.

It was inevitable that the awards should satisfy neither side, since they could not reconcile claims that were irreconcilable. The Premiers of East and West Bengal, however, in a joint statement appealed to the people on both sides of the boundary to accept the Commission's award for Bengal, and pointed out that nothing could prevent the leaders of India and Pakistan from coming to a new agreement in the future to readjust the dividing line. The Punjab award, on the other hand, immediately aroused the bitterest criticism, especially on the Muslim side. Ministers of the Pakistan Government were quoted as stigmatising it as 'extremely unfair', 'disgusting', 'abominable' and 'one-sided'. *Dawn* asserted that the award was so unfair as to absolve the Pakistan Government of its prior undertaking to observe it, and added that 'even if the Government accepts the territorial murder of Pakistan, the people will not'. But the aspect of the new frontier which, however inescapable, was to produce the greatest calamities was that it cut in two the homelands of the Sikhs, placing the majority in India but leaving over a million in Pakistan.

The importance of the Sikh community in the Punjab was indubitable. Only a century earlier they had ruled the Province; and they had since made invaluable contributions to its politics and its economy and, even more notably, to the Indian Army. For these reasons the consideration which had been shown them in each successive stage of the constitutional discussions had been out of all proportion to their numbers. This had encouraged them to believe that no settlement could be adopted which did not make their interests a major concern; and so the demands they

put forward were apt to be extravagant. They claimed, for example, that if Pakistan were conceded to the Muslims, another independent State should be created for themselves. Unfortunately for them, however, they numbered only about four million in a population of 29 million for the Punjab as a whole, and did not constitute a majority in any district of the Province. Jinnah put his finger on this weakness when he announced that he was not opposed to a Sikh State as such, provided they showed him where it could be created. But the fault was by no means wholly on one side. The Muslim League knew quite well that the Sikh fear of Muslim domination in Pakistan equalled, if it did not exceed, the Muslim fear of Hindu domination in a united India; yet it never seems to have offered the Sikhs assurances of autonomy or protection which might have induced them in return to acquiesce in the inclusion in Pakistan of a united Punjab. Sardar Baldev Singh, speaking of talks he had held when a Minister in the Punjab, had said: 'I personally tried to get Mr. Jinnah to tell us what security and guarantee the Muslim League would give to the Sikhs in the Punjab. Mr. Jinnah's attitude has always been that we should first accept Pakistan and then he will give us justice. In other words, he wants the Sikhs first to come under his domination and then dictate his terms'. Jinnah would no doubt have told a different story: but the fact remains that the Muslims seem to have made no determined effort to allay the Sikh opposition to Pakistan, with the result that when the partition of the Punjab became a live issue the Sikhs preferred this solution, even though it might cut their homelands in two, to remaining together if this meant coming under Muslim rule. But the Sikhs' conception of their own importance seems to have persuaded them at first that the partition of the Punjab could and would be carried out in a manner which would preserve the integrity of their community and its possessions. They held that the basis for division should be not population alone, but also property, well knowing that their community was a relatively wealthy one. On this and other grounds—including the situation of their principal shrines and temples—they had claimed that the new boundary

should be the River Chenab, which runs some 80 to 140 miles west of the frontier as eventually fixed. Their leaders had explained that their acceptance of the June 3rd plan was conditional on the report of the Boundary Commission being to their liking. However, for some time before the Commission's report was published, it had become very evident that their claims were far removed from the realities of the situation. The Independence Act marked out a provincial boundary which lay considerably to the east of the Chenab; and it began to dawn upon the Sikhs that the award, so far from being carried out primarily in their interests, would be unable to give them anything like what they considered their due. Hitherto they had maintained an uneasy alliance with Congress, based on their common opposition to Pakistan; now it seemed only too clear that Congress was unable or unwilling to do anything to save them from annihilation and that they would have to rely upon their strong right arm alone. Sardar Baldev Singh, as the Sikh representative on the Partition Council, had indeed signed the pledge that the Boundary Commission's awards would be accepted and enforced, whatever they might be. But some days earlier he had told a meeting of Delhi Sikhs that if the award of the Punjab Commission went against their community they would oppose it 'tooth and nail'. He advised them to remain peaceful until the Commission's decision was known, but to prepare for a struggle if necessary 'without looking for help from any quarter'. The origins of the subsequent massacres are still obscure, but there is evidence that the oft-repeated accusation which represents them as an organised rising or conspiracy is not far off the mark. For example, all who saw the Sikh bands remarked that they moved in military formation and showed a disciplined ruthlessness in strong contrast to the instinctive ferocity of the mobs in earlier outbreaks.

Already during the weeks preceding independence day gangs led by ex-soldiers and armed with automatic guns, rifles and bombs were roaming the countryside attacking and burning villages and massacring their inhabitants. Over a large part of the central Punjab law and order had broken down; it was estimated

that in the Amritsar district alone nearly 1,000 people were killed during the first fortnight in August. If the Sikhs were the most active aggressors they were not, even at this stage, the only guilty party. All three communities suffered heavy casualties, and there began the long and terrible processions of people in the last stages of misery, Muslims fleeing westward and Hindus and Sikhs eastward. The results soon became visible in Delhi, where by August 14th 80,000 refugees had collected.

It was significant that, except for the Mahasabha, the Sikhs were the only body which refused to take part in the celebration of independence day. While in other cities the day passed off peacefully, in Lahore there was no intermission in the toll of assault and arson, and fifty people were killed in riots. The establishment of the new Dominions was swiftly followed in the Punjab by the chaos of undeclared civil war. By August 17th the Province was cut off from Delhi except by air; by the 20th there was said to be scarcely a village between Lahore and Amritsar which had not been burnt and its inhabitants exterminated or forced to flee. Refugees were now counted in hundreds of thousands. Gangs held up trains, slaughtering all members of the opposing community on board; columns of unarmed refugees were attacked and massacred; no quarter was given to women and children. The Sikhs seemed bent upon clearing the East Punjab of Muslims, at whatever cost in atrocities and devastation. The West Punjab was quieter at first; but after a few days terrible reprisals, stimulated as usual by rumours and refugees' stories, began to be taken.

The new Governments of the East and West Punjab were entirely unprepared to deal with this crisis, or even with the ordinary tasks of administration. The process of partition was far from being complete; neither Government had a Secretariat or district staff in working order, and the East Punjab had not even settled where its capital should be. During the Governor's regime British officials, who alone could deal with the situation impartially, had been posted to the worst trouble spots. With the transfer of power these men largely disappeared; while wholesale

changes among Indian officials were a further cause of administrative breakdown. The West Punjab Government was seriously handicapped by the flight of the Hindu officials—said to amount to half the total—from Lahore. Moreover now, almost for the first time, the police gave way to communal feeling. On both sides they not only failed to protect members of the minority community but took an active part in arson, looting and murder. This collapse came at a time when, apart from the vital task of restoring order, there were the urgent problems of moving refugees or housing and protecting them until removal could be arranged, of feeding them and taking precautions against epidemics.

The Punjab Boundary Force had been established on August 1st. It was soon in action, and there is no doubt that but for its work the slaughter would have been very much greater. But from the outset it was faced with the impossible task of restoring order over a huge area which was rapidly drifting into anarchy. The marauding bands could count on the sympathy, or terror, of most of the population. The Force was thus hampered by lack of intelligence, and even when it received news that a village was about to be attacked, before it could send a detachment there the attackers, their ghastly work completed, would have passed on elsewhere. The troops, too, began to succumb to the strain of being expected to take action against their co-religionists in the bitter communal war. Yet though they frequently refused to fire on aggressors of their own faith, they never gave way to partisanship as whole-heartedly as did the police; there were many fewer accusations that they had actively joined in the strife.

If the new Governments of India and Pakistan, even in their embryo state before August 15th, might have done much more to meet a forseeable emergency, they can at least be given credit for turning swiftly to meet it as soon as the independence celebrations were over. The Joint Defence Council held its first meeting on August 16th, specifically to consider the Punjab situation. The next day the two Prime Ministers, with the Governors and Ministers of the

East and West Punjab and a number of civil and military officials, held a conference at the East Punjab town of Ambala; they afterwards issued a joint statement declaring that they were determined to end disorder and were taking concerted measures for that purpose. The Punjab Boundary Force was reinforced, machinery was set up for maintaining liaison between the civil and military authorities of India and Pakistan, and the leaders, including Pandit Nehru, Jinnah and Master Tara Singh, issued urgent appeals for peace and warnings of the dangers of retaliation. When it became evident that the scale of the crisis was far greater than had been anticipated and that the combined efforts of the Central and Provincial Governments were not being successful in recovering the lost control, a further meeting of the Joint Defence Council, presided over by Lord Mountbatten and attended by Jinnah, was held on August 29th at Lahore. Its main decision was to abolish immediately the Punjab Boundary Force, on the ground that its task had 'grown out of all proportion to the responsibility placed upon it'. There was risk in this, but also the advantage that the responsibility for restoring order would now lie squarely upon the two Governments and their armies. It was decided that these should set up separate army headquarters to control the boundary area, but that both should be situated in Lahore to ensure the closest co-operation in providing guards and escorts for refugees. Henceforth Indian and Pakistani troops would in general be used only on their own sides of the frontier, though they might be lent from one Dominion to the other to protect refugee camps and convoys of their own community. The meeting was immediately followed by tours of the disturbed areas by Ministers of both Governments, Pandit Nehru accompanying Liaquat Ali Khan and Sardar Baldev Singh accompanying Sardar Abdur Rab Nishtar. Pandit Nehru and Sardar Patel, recognising that they were faced with a crisis of the dimensions of a war, invoked the experience of Lord Mountbatten in the conduct of large-scale operations. With an objectivity which must have been hard to achieve in the first flush of independence, they invited him to become Chairman of an Emergency Committee of the Cabinet,

set up to deal with the disturbances. He accepted on condition that the extent to which he had now resumed administrative control should not be made public.

There now seemed ground for the belief that a slight improvement had set in, especially in the East Punjab. Towns became quieter, if only because the minorities had by this time been cleared out. Elsewhere attacks on refugees were the main problem, but these diminished as the two armies—the only efficient organisations in either part of the divided Province—began to bring some sort of order into the tragic process of migration. Their task was a vast one; on September 3rd it was officially estimated that during the past fortnight over half a million refugees had crossed the boundary in each direction. The favoured few were taken out by air; but the vast majority travelled by train, lorry, bullock cart, or on foot; or else they waited until protection could be arranged, huddled together in camps often without food, shelter or sanitation. The onset of the monsoon rains reduced them to even more extreme depths of misery.

The leaders of the two Governments were now making sincere and resolute efforts to check violence and to co-operate with one another. At first they had tried to persuade the minorities to overcome their fears and stay at home; but they were soon obliged to reconcile themselves to the inevitability of mass migration, and devoted their energies to seeing that it was carried out in an orderly manner. Yet there were ominous signs that they were hard put to it to keep their mutual hostility under control. Their public pronouncements tended to give first place to the rescue of refugees from over the border, the restoration of order in their own jurisdictions coming only second. Even exhortations against retaliation, made from the highest level, were accompanied by bitter accusations against the other side. Jinnah, in a broadcast urging that Pakistan must honour the pledge to abide by the Boundary Commission's award, stigmatised the award as 'unjust, incomprehensible, even perverse'. Master Tara Singh took even less trouble to hide his feelings: his appeal for peace was joined with threats that the Sikhs would never accept the

boundary award and must be prepared to fight to the death for their just rights. With the increasing violence of the conflict the utterances of this fiery old man became less and less restrained. He laid the whole blame for what had occurred upon the Muslims, and denied that there could henceforth be any friendship, or even good relations, between them and the Sikhs. Meanwhile the communiqués issued by both the Punjab Governments were grossly partisan, and on each side the Press did more to excite feelings of revenge than to allay them.

Yet in Bengal, the other danger area, events since partition had taken a far more encouraging turn. The story of Calcutta during these critical weeks is a most remarkable one. Right up to August 15th clashes between Hindus and Muslims, often causing many deaths, were still occurring daily; and the authorities and public were fearful that worse would come when the Province was formally partitioned. Then the League's ascendancy in Calcutta would be at an end; instead it would become the headquarters of a Congress Government of West Bengal, and the more fanatical Hindus might be expected to take their revenge on the Muslims.

This was the situation which seemed imminent when Mr. Suhrawardy, the Muslim ex-Premier, urged Gandhi, who was on his way to spend a second winter in the Noakhali district, to go to Calcutta instead. Gandhi agreed, and on August 13th he and Mr. Suhrawardy settled together in a workman's house in one of the most riot-stricken areas of the city. How far the events that followed were the result of this peace mission it is impossible to say; but the fact remains that on August 15th, for the first time for five weeks, there were no communal incidents, and mixed parties of Hindus and Muslims drove round the city shouting their welcome to independence. Gandhi himself took no part in the celebrations, but spent the day fasting, spinning and praying. The unaccustomed harmony continued for the rest of the month. Hindus and Muslims held joint demonstrations, Muslims attended Gandhi's daily prayer meetings, and Hindus joined in the Muslim festival of Id. The authorities were able to withdraw curfew restrictions which had been in force for twelve months.

Then on September 1st, when the news from the Punjab had had time to produce its effect, rioting broke out again and bombs and firearms were used in the streets. The authorities acted promptly, and continued demonstrations of Hindu-Muslim unity showed that the fund of goodwill persisted. But the most dramatic reaction was Gandhi's immediate decision to begin a fast 'to end only if and when sanity returns to Calcutta'. This gesture struck the imagination of the city, and indeed of all India; and the impression it wrought deepened as the old man of seventy-seven was reported to be growing weaker. The entire police force of North Calcutta, including Europeans, undertook a twenty-four hour fast in sympathy, while continuing on duty. For three days the rioting went on, causing nearly one hundred deaths. Then came twenty-four hours with no incidents; and, at the urgent request of his friends, Gandhi broke his fast after receiving a pledge from Hindu, Muslim and Sikh leaders that they would be responsible for keeping the peace in their areas and would strive, even at the cost of their lives, to prevent further disorder. His triumph was complete, and the peace he brought was destined to endure. A League newspaper, acknowledging the debt Calcutta Muslims owed him, said 'he was ready to die so that they might live peacefully'. He had in fact worked a miracle, perhaps the greatest of modern times.

Meanwhile the communal war had spread, with the ever-increasing flood of refugees, from the Punjab to Delhi. The stories told by the refugees, of whom some 200,000 had arrived in the city and its neighbourhood by September 5th, stirred up feelings against the local Muslims. Soon there were shooting and stabbing affrays, then the seizure of Muslim houses by refugees and the looting of Muslim shops, attacks on trains and surrounding villages and, finally, pitched battles in the streets. Even in the sedate avenues of New Delhi Muslims were hunted out and butchered.

The Indian Government realised the supreme importance of curbing this outbreak of violence on their threshold. If they could achieve this, they might reasonably hope that the communal

war would be confined to the Punjab; if they failed, there seemed every chance of its spreading over the whole subcontinent. Fortunately they acted at once and with great energy. A military force of some 5,000 men was concentrated in the city, and day and night troops patrolled the streets under orders to shoot only to kill. Muslims were assembled in vast protected camps, though at first little or nothing was done either to feed them or to protect them from the monsoon downpour. For some four days the situation was extremely serious, the surrounding countryside was in turmoil, and communications by rail and air were suspended. Nearly sixty per cent of the police force, mostly Muslims, had resigned or deserted when the disturbances began, and the volunteer constabulary recruited in their place often did more harm than good, harassing Muslim householders on pretext of searching for arms. But gradually the drastic military measures began to produce results; the British-officered Gurkhas, acting with vigour and impartiality, were particularly effective. On September 9th Gandhi arrived from Calcutta and at once brought his calming influence to bear on inflamed passions. During the next few days the city gradually returned to normal except for the refugee camps, where many thousands of Muslims waited in misery and terror either for transport to Pakistan or for a return of confidence sufficient for them to go back to their work and homes. In some ten days of slaughter at least a thousand lives had been lost.

Owing or not to the victory of law and order in Delhi, the wave of violence did not spread as many had feared or predicted. Early in September, indeed, armed Pathans invaded Peshawar and began a reign of terror for Hindus and Sikhs; and it looked as if they might sweep down into the Punjab and avenge their Muslim brethren. However, order was restored and the danger receded for a time. In Karachi the reaction to the massacre of Muslims in Delhi showed itself in some stabbing incidents in which Hindus and Sikhs were the victims. Members of these communities, fearing worse to come, took ship in large numbers for Bombay. Later there was some serious trouble in the western

districts of the United Provinces, when refugees from West Punjab began to arrive there. Yet over by far the greater part of the two Dominions peace and order prevailed, and life went on much as it had done before the coming of independence; though among the minorities nervous apprehension was mounting, and everywhere there was distress of mind at the news from the maelstrom which swirled around the central Punjab.

For there the apparent improvement of early September had turned out to be illusory. Indeed, conditions had worsened, with results that threatened a disaster which would engulf the two new States in war and ruin. A serious epidemic of cholera broke out among the refugees—the inevitable outcome of the ghastly conditions in their camps; though after a time it was held in check by mass inoculations. Torrential rains were followed by the worst floods for years which, spreading over a thousand square miles on either side of the new frontier, breached railways and roads, destroyed food stocks and swept into the refugee camps, drowning their inmates or marooning them for days without shelter or food. But worst of all, attacks on the trains and convoys of terrified fugitives persisted and even increased. During the four days September 19th to 22nd there were seven attacks on special trains between Delhi and Lahore, with the result that the two Governments were obliged to suspend all refugee traffic for several days. In at least two of these incidents the official communiques of the other side put the number of deaths as over a thousand, though the figures may well have been inflated by rumour and propaganda. A report from India that a Hindu refugee train in West Punjab had been attacked and heavy casualties inflicted would be met by Pakistan with the retort that this was an exaggeration and that Muslim convoys in East Punjab had suffered even heavier casualties. The truth seems to be that the problem had grown so vast that for a time it defied all attempts to control it. Between one and two million people were now on the move in each direction, sometimes travelling in convoys of several hundred thousand. There were simply not enough troops available on either side to give adequate protection to these

organised convoys, to the special trains and the refugee camps; and there were in addition the tasks of guarding those who were on the move from their homes to the assembly points, and of maintaining law and order generally.

In such conditions it is hardly surprising that the will to co-operate among those at the head of affairs showed signs of cracking under the strain, with the result that at the end of September the situation was tenser than at any time since the first flare-up after August 15th. The Press of the two countries was fighting a violent battle of words, while the more fanatical Leaguers on one side and the Mahasabha and the Sikhs on the other were urging more vigorous measures not only to rescue minorities but to defend their borders against the supposed aggressive intentions of the other party. In Pakistan the Government of India was accused of weakness in dealing with the Sikhs; it was alleged that for political reasons the Indian leaders were reluctant either to brand them as the perpetrators of the present trouble or to take strong action to suppress them. Then came the charge that India was deliberately trying to swamp Pakistan with Muslim refugees from India in order to bring about her economic breakdown—a charge which Indian Ministers were at pains to refute by asserting that no compulsion was being used to force Muslims to leave India; although, as had been agreed, the mass exchange of population between the two Punjabs was being organised, while those in other Provinces who wished to migrate to Pakistan were being helped to do so as far as possible. The leaders of Pakistan seem to have been genuinely afraid that their new State was in danger of being strangled at birth, and that every move on the part of India was deliberately aimed at her destruction. Liaquat Ali Khan asserted that Pakistan was 'surrounded on all sides by forces which were out to destroy her'; and Jinnah more than once spoke of her as the victim of a deep-laid and well-planned conspiracy.

In India the stock reply to these accusations was that the root cause of all the trouble lay in the League's sedulous preaching of the two-nation theory, which had finally infected even the

Muslim peasants of the Punjab, setting them against neighbours with whom they had lived contentedly for generations. But among right-wing Hindus also this theory was growing, in the form of a demand that the new India must be a Hindu State in which those of other faiths would have something less than full citizenship rights. Pandit Nehru resolutely set his face against all the implications of this demand, ceaselessly preaching instead the ideal of a democratic and secular State to which Congress was officially committed. Though his pronouncements were not always free from recriminations, his was in general a potent and most valuable influence on the side of reason and tolerance, an influence brought to bear not only through official utterances from the seat of Government but in personal visits to villages and refugee camps. Gandhi and Maulana Azad were likewise powerful champions of moderation; though even Gandhi allowed himself to be so swayed by the prevailing bitterness as to speak of Pakistan's persistence in doing wrong and in refusing to see her 'proved error'.

As in undivided India the Muslim minority had been more ready than the Hindu majority to look to the 'third party' for sympathy and safeguards, so now Pakistan, the smaller of the two Dominions, showed the greater willingness to seek help from overseas in the crisis which had so soon befallen her. Already on September 16th her Foreign Minister, Sir Zafrullah Khan, on his arrival in New York to lead the Pakistan Delegation to the United Nations General Assembly, announced that unless the Government of India took steps to end the slaughter of Muslims, his Government would file a formal complaint with the United Nations Organisation; and if they did not obtain satisfaction, they might have to resort to 'direct measures'. This statement seems to have been made without authority; but a few days later it was learnt that Pakistan had suggested to India a joint request to the United Nations to fly out immediately twelve neutral observers to study conditions in the two Dominions, particularly among the refugees. This was followed by the news that the Government of Pakistan had asked the other Governments of the British

Commonwealth for friendly advice and help in ending the attacks on refugees in both parts of India and in ensuring safety and peace there.

The Government of India regarded these moves with the same sort of disfavour and suspicion as Congress had shown during the political struggles of the past forty years towards the League's tendency to invoke British aid. They rejected the proposal for United Nations observers on the ground that these might not be thoroughly familiar with local problems, conditions and languages. The proposal for Commonwealth intervention seemed to them an affront to their newly won independence, a confession that the two new Dominions were incapable of managing their own affairs, perhaps even a sinister move to enlist the sympathy of the other Commonwealth Governments on the side of Pakistan against India. They therefore contented themselves with supplying to these Governments their own version of the recent troubles and with declaring that they would welcome the appointment of a body of impartial observers chosen from within the two Dominons themselves to act in the disturbed areas of the Punjab.

Though the full correspondence has never been published, it can be assumed that the other Commonwealth Governments felt some bewilderment in face of this new and embarrassing departure in Commonwealth relations. If, as appears to be the case, the Pakistan request expressly ruled out military aid in restoring order, it is difficult to see how, with the best will in the world, they could have helped. Any form of advice or assistance would have involved sending experts or observers to the Punjab, which the Government of India would have strongly opposed. In this situation the Commonwealth Governments seem to have confined themselves to expressions of sympathy and of hope that India and Pakistan would be able themselves to work out a solution of their troubles. For the rest, some extremely useful and timely help was given in the shape of cholera vaccine and other medical supplies.

In the Punjab, meanwhile, violence had decreased, and by the

middle of October the principal enemies were hunger, disease, exposure and exhaustion, which still took a fearful toll of life. The two Governments found it easier to work together against such impersonal foes than against the forces of communal fanaticism; and both were anxious that the exchange of minorities between East and West should be completed if possible before winter set in. The result was smoother co-operation between the respective military evacuation organisations and railway authorities. These completed their operations in the first week of December. By then, it was estimated, more than eight and a half million refugees had crossed the Indo-Pakistan border in one direction or the other. Of these, non-Muslim refugees from Western Pakistan to India were computed at some 4,362,000, the remainder being Muslims fleeing to Pakistan. On both sides the authorities were faced with vast problems of resettlement. Western Pakistan had lost its Hindu money-lenders, traders and clerks and its well-to-do Sikh farmers; it had gained instead a multitude of small cultivators and artisans. Its economic life was thus thrown out of gear, while on the other side India found herself with a glut of non-manual workers. At the end of the year her Government claimed that they had already resettled a large proportion of her refugees, over one and a half million in East Punjab. Yet in the Indian Dominion there were still more than 160 refugee camps, providing accommodation to one and a quarter million unfortunate people. In East Punjab alone there were eighty-five such camps where, owing to epidemics and the cold of winter, the death rate remained high.

No figures of total casualties in the Punjab since independence day can be more than conjectural. All that can be said is that the deaths must have amounted to many hundreds of thousands.

The process of dealing with the administrative problems consequent on partition took a similar course of a period of extreme tension, followed, at the close of the year, by some solid progress. In its initial stages the organisation for carrying out partition which was described earlier had functioned with admirable smoothness, so that by August 15th only a few important matters remained to be settled. But the events which came so

swiftly and so calamitously to disturb the celebration of independence strained the partition machinery almost to breaking point. For many weeks all eyes were fixed on the Punjab, the settlement of the outstanding issues hung fire, and it even seemed as if some of the ground which had been gained was being lost. For example the Pakistan Government imposed an export duty on raw jute leaving Eastern Pakistan for India—a step which, the Government of India alleged, violated an agreement which had been reached to maintain as far as possible the status quo in economic matters until 31st March 1948. As the risk of war between the two Dominions became more real the Government of India, who held in their territories the greater part of the divisible assets, became more and more unwilling to implement agreements which involved transferring to Pakistan arms and munitions which might be used against their own forces. Soon they were pressing for the closing down of the Supreme Commander's Headquarters on the ground that the task of reconstituting the armed forces had been largely completed. The Pakistan Government were equally insistent upon the need for retaining this neutral organisation until April 18th, 1948, the date originally agreed. It was in fact dissolved at the end of November, after Field Marshal Auchinleck had represented to the Joint Defence Council that it was becoming impossible for him and his officers to discharge their tasks in the absence of 'the necessary spirit of goodwill and co-operation between the principal parties concerned'.

The Joint Defence Council was thus deprived of its executive arm; it nevertheless decided to remain in being and to replace the Armed Forces Reconstitution Committee by a temporary Executive Committee, composed of officials and service chiefs of the two Dominions, to deal with the remaining problems of reconstitution. These mainly concerned the division and movement of military stores; and the Council now issued a warning against disobedience to its orders on this subject on the part of subordinate officials. It also decided that a number of teams should be appointed from the ordnance services of the two Dominions—

the Indian teams operating in Pakistan and the Pakistan teams in India—to supervise the selection and despatch of stores allocated for transfer.

The Council's session of November 26th, at which this step forward was taken, marked a coming together of the Indian and Pakistani leaders after some weeks of extremely strained relations. It was followed by a meeting of the Partition Council at which a resolute effort was made to settle the outstanding partition questions. These concerned the division of assets such as the cash and sterling balances of the former Government of India, as well as military stores and ordnance factories; and of liabilities such as the uncovered debt of the former Government of India, and pensions. On all these issues complete agreement was reached. No question therefore remained to be settled by the arbitral tribunal presided over by Sir Patrick Spens.

This success reflected great credit upon the statesmen at the head of the two new States and upon their officials who, with a tradition of working together in undivided India, had been able to continue their patient negotiations even when political bitterness was at its height. Yet the conflict over Kashmir, which will be described in the next chapter, bade fair to wreck much, if not all, of what had been achieved. Again the Government of India were hesitating to fulfil the partition agreements for fear that by so doing they would be supplying Pakistan with the means to wage war against them. Thus before the year was out they were threatening to hold up the payment of fifty-nine crores of rupees (some 44 million pounds) which had become due to Pakistan under the recent financial agreement.

CHAPTER VI

THE STATES

SCATTERED ACROSS the map of India, the 562 States owed their existence to no difference in character between their peoples or territories and those of the British Indian Provinces. Their position, which depended upon the acknowledgment by their Rulers of the suzerainty of the King-Emperor, had originated as a political expedient for extending British control without extending British administration. In the earlier stages of its expansion the East India Company had been very reluctant to add to the territories under its direct administration; it was not inclined to augment the governmental—as opposed to the diplomatic and commercial—responsibilities of the small body of Englishmen who served it in so vast a country. Hence the policy of recognising and maintaining existing Rulers or Chiefs who could be relied upon to keep the peace and work in 'subordinate co-operation' with the British; hence the conclusion of the multitude of treaties which, though they served their immediate purpose of helping the pacification of the country, were so seriously to fetter the British authorities later on. A reversal of this policy in the middle of the nineteenth century, which led the annexation of large tracts of territory from Indian Rulers to the direct control of the Company, was abruptly checked by the Mutiny; and when this had been suppressed Queen Victoria gave her celebrated pledge to 'respect the rights, dignity and honour of the native Princes as our own'. The result was to crystallise the political configuration of the country as it happened to exist in 1858; and this in turn largely depended on who had been in control of various areas when, earlier in the century, the tide of British power swept over them. This explains the diversity of origin of the Rulers of the Indian States; Rajput Princes of ancient dynasties, Mahratta warlords, men who were nominally officials

of the Mogul Empire, adventurers who seized their opportunity, were alike pressed into the service of the Company's policy. It also accounts for the great differences in size among the States. At one end of the scale Hyderabad and Kashmir each had an area of over 82,000 square miles (the area of Great Britain is 89,041); in population, Hyderabad with 16 millions, Mysore with over 7, Travancore with 6 and Kashmir with 4 headed the list. At the other end were a multitude of tiny estates bearing at least a paper resemblance to the petty fiefs which still existed in Germany at the beginning of the nineteenth century; and which, we are told, were 'composed of a small town and four or five villages' yet boasted 'a Chancery, a Consistory, a Treasury, a Court Marshal's Office, a Forest Department and a Board of Works'. In India as in Germany territories were inextricably intermingled, frontiers were tortuous and enclaves common; in India this gave rise to obvious administrative difficulties between States and neighbouring Provinces and among the States themselves.

The only factor common to all these heterogeneous units of government was their relationship to the British Crown. This was known as Paramountcy—a word which, since it epitomised a whole complex of shifting relations, the British authorities had always sedulously refrained from attempting to compress into a definition. Broadly speaking, it meant on the one hand that the Crown was bound to protect the Rulers and their dynasties from external aggression and internal revolt, while ordinarily abstaining from interference in the domestic government of their territories; on the other, it meant that the Rulers acknowledged the suzerainty of the Crown, involving its right to conduct their foreign relations (including their relations with one another), requisition military forces when required for the defence of the country, regulate disputed successions, conduct minority administrations, and intervene in their internal affairs in cases of gross misrule. These mutual obligations resulted in a peculiar position in which the ultimate sovereignty had passed to the British power, yet no British or British Indian authority could make laws for any State. The territories of the Indian Rulers had

not become British territory, nor were their inhabitants British subjects.

The Paramountcy relationship was expressed partly in a mass of treaties, undertakings, unilateral grants and varying types of agreement; but many of the smaller States were without any document defining their position. Paramountcy therefore could not rest solely on written engagements; with the greatest Princes it was partly, and with the petty chiefs wholly, expressed in 'usage and sufferance', that is to say, in the decisions which had been taken and the conventions which had grown up over the years in the Crown's dealings with its feudatories.

But already in 1858, when Queen Victoria pledged the Crown to respect the rights of the Princes, the fragmentation of India which this implied was no longer appropriate to the needs of the age. The development of trade and communications was binding the various parts of the country together; and to every project for the development of railways, posts or telegraphs, for the control of rivers or the creation of a uniform system of customs and excise, the internal autonomy of the States presented a more or less serious obstacle. Nevertheless in course of time there were worked out a host of agreements between Rulers on the one hand and the Crown or the Government of India or Provincial Governments on the other, dealing with such things as customs and central excises, salt, currency, railways, posts and telegraphs. Thus the States, though formally, and for the most part in practice, separate from British India, became increasingly bound up with it in a complex of common interests.

Up to 1935 this unifying process was helped by the fact that the relations between the Crown and the States were conducted in India by the Governor-General in Council, the authority which also stood at the head of the Government of British India; though the States, of course, were not themselves represented either in the Council or in the Legislature. The Act of 1935, however, opened the prospect of an Indian Federation presided over by an Executive responsible to an elected Legislature. Of this projected Federation the States, or some of them, might be

members with representation in the Legislature and Executive. But the accession of some States might be delayed, or might not take place at all; and in any case, apart from the functions which the States would hand over to the Federal Government there would be the functions of Paramountcy, which could only be performed by the Crown or by an authority in India responsible to the Crown alone. Hence Section 2 of the Act entrusted the conduct in India of the Crown's relations with the States to the Crown Representative, who was in fact the Viceroy in his personal capacity. This Section came into operation with the passing of the Act, though the Federation was never established.[1] The result was that, according to the constitution, official contact between the Government of India and the State Governments could be maintained only through the Crown Representative and his officers; these latter, under the Political Department in New Delhi, were organised in Agencies and Residencies throughout the States. By means of this rather cumbrous machinery, and by virtue of the agreements on economic and other matters mentioned above, the judicial separation between Provinces and States did not lead in practice to a complete divorce.

The nearest approach to a common organisation of the Rulers was the Chamber of Princes, established in 1921 at British instigation in the hope that it would help to break down the isolation of the States and bring them into informal association with the Indian Legislature, lately refashioned by the Act of 1919. Inasmuch as no State had relations with any authority but the Crown, the Chamber could have no executive authority; and no member State was bound by any of its decisions. It provided, indeed, a forum for debate and a means of formulating common policies on matters of general interest. However, it was not representative of the whole body of States. Some of the largest, notably Hyderabad, did not choose to participate; while the mass of very small units were not given the opportunity to do so. Of the remainder, 109 Rulers represented their States individually, and 127 of the lesser Rulers were allowed only twelve representatives between

[1] See pp. 17–18.

them. Thus the Chamber was largely the mouthpiece of those who ruled States of medium size.

It can safely be said that the vast majority of the States lagged behind British India in both constitutional and administrative development. Mysore and a few other of the largest had up-to-date administrations; there were in the service of the Princes some of the ablest men in India such as Sir Ramaswami Mudaliar, Sir C. P. Ramaswami Aiyer, Sir Mirza Ismail and Sir V. T. Krishnamachari. Travancore had a literacy figure of 47.7 per cent and Cochin one of 35.4 per cent, far higher proportions than any British Indian Province could claim; the small State of Aundh experimented in Gandhian democracy. But these were brilliant exceptions. For the most part the State administrations were antiquated, even mediaeval; the majority were too small to justify the maintenance of separate departments and services; and almost all were over-burdened with the excessive Privy Purses of their Rulers. In some States, especially in Rajputana and Central India, schemes of modernisation were handicapped by the fact that large areas were in the hands of feudatories of the Ruler who exercised wide judicial powers and maintained their own police forces. In the constitutional field also there was a striking difference in development between British India and the States. In 1937, when ministries responsible to elected legislatures were taking office in the Provinces, very few States had anything more than *durbars*[1] of the traditional kind. Although in some thirty States the *durbar* had been modernised, with a proportion of elected members and restricted powers of legislation and criticism, in no case had a Ruler surrendered any part of his sovereignty to the representatives of his people.[2] The Prince was the government and the government was the Prince.

This backwardness rendered the States extremely vulnerable. For after all, the division between them and British India was an artificial one, created to meet the requirements of British policy in the conditions resulting from the breakup of the Mogul Empire. However, the aim of British policy was now no longer simply the

[1] See p. 11.   [2] Coupland, *Indian Politics 1936–1942*, pp. 167–8.

pacification of the country, but the promotion of its independent nationhood; and there could be no doubt that the States constituted a serious obstacle to the realisation of this aim. Some indication has already been given of how their existence hindered India's economic unification; on the political side the fate of the abortive scheme of Federation in the 1935 Act was to illustrate the difficulty of putting the autocratic governments of the Princes into harness with the responsible governments of the Provinces. And the maintenance side by side of two such different political systems could not be justified by any corresponding difference in character between the people of the States and those of British India. The basic factors of division among Indians arose not from political organisation but from religion, language, caste, and economic status; and although the States had hitherto been largely free from communal trouble, these divisions were, broadly speaking, to be found among their people equally with those of the Provinces. In some States, indeed, the mass of the people had much more in common with their British Indian neighbours than with their Rulers. In Hyderabad, for instance, the Nizam and the governing class were Muslims and the great majority of the population Hindus; in Kashmir there was the reverse situation. No doubt there were numerous States in which the tradition of personal rule, of a benevolent despot intimately concerned with the welfare of his subjects, was still alive. Here a corresponding loyalty might bind the country-folk to their Ruler. But it was essentially a passive loyalty, which would be powerless by itself to save the dynasty from organised attack from without or within. No more than in other parts of the world could a scattered peasantry play a decisive role in a revolutionary situation.

On the other hand, the broad affinity between the British Indian and States peoples made it inevitable that, in proportion as education and urbanisation developed in the States, these would produce a middle class with the same ideas and aspirations as the corresponding class in the neighbouring Provinces. Thus the ideas of national independence and liberal democracy began to make themselves felt in the States. At first, indeed, Congress,

holding that it was for the States people to wage their own struggle for freedom, did not establish branches in the States or otherwise directly intervene there. Instead it confined itself to giving moral support to its sister organisation, the 'Indian States Peoples Conference', whose declared aim was 'the attainment of responsible government for the people in the Indian States through representative institutions under the aegis of their Rulers'. But the passing of the Act of 1935 created a new situation. For one thing, the entry of Congress ministries into office in seven Provinces gave an immense impetus to all that Congress stood for. It was only natural that some of the energy and enthusiasm generated by this new accession of power should spill over into the neighbouring States, finding expression in propaganda and agitation for the introduction of responsible government there. However, there was a more concrete reason why Congress should pay increased attention at this time to the liberalisation of the Princely autocracies. Negotiations were in progress between the Viceroy and the Princes for the establishment of an All-Indian Federation according to the scheme in the new Act. This gave the States a substantial proportion of the seats in the Federal Legislature; but these were to be filled, not by representatives of the States peoples, but by nominees of the Rulers. This of course was what the Princes wanted. It was they with whom the British treaties and engagements had been contracted; the Crown had no direct relations with their subjects. Hence Parliament, which was responsible for the discharge of the Crown's obligations, could not, without their consent, have provided for the filling of the States' seats by popular election. But what Parliament had been unable to do by constitutional means, Congress might achieve by more direct methods. The agitation for responsible government in the States could be intensified; and since the political classes in the States were broadly in sympathy with Congress, any success in this campaign would almost certainly result in an accession to Congress strength in the Federal Legislature. The distribution of seats in the two Houses was such that if the representatives of the States joined forces with only some of

the representatives of the British Indian minorities, they would be able to outvote Congress. If, however, a sufficient proportion of Princely nominees could be replaced by Congress sympathisers elected by the States peoples, the scale would be turned. Thus upon the outcome of the campaign for responsible government in the States would depend the issue of the struggle for power at the Centre.

In the early stages of the new campaign Congress confined itself to 'moral support and sympathy' towards the democratic movement in the States, though individual Congressmen were permitted to give more active help in their personal capacities. This line of action, formulated in a resolution passed by the All-India Congress Committee at Haripura in February 1938, was an advance upon the former policy of eschewing all active intervention; and the resolution marked the beginning of a movement which, though it never formally departed from the limits laid down at Haripura, became progressively more hostile and minatory towards the Princely regimes. In certain States individual action was undertaken by members of the Congress Working Committee, and Gandhi himself led a civil disobedience movement to secure responsible government in the small Western India State of Rajkot. Here and elsewhere Congress volunteers from neighbouring Provinces invaded State territory, courting arrest or adopting other methods long used by Congress. In some States there was rioting, which assumed a communal character where Hindus and Muslims happened to be on different sides in the local struggle for power. It is significant, for example, that communal rioting broke out at this time in both Hyderabad and Kashmir, where in each case the fact that the ruling class belonged to a different community from the mass of the people meant that any concession by the State government to the principle of majority rule would be tantamount to abdication. Evidently it was this degeneration of the movement into violence, and communal violence at that, which led Gandhi to call it off in the spring of 1939. It had not brought about the establishment of fully responsible government in any State;

but a number of Rulers, among them the most important, had taken the first tentative steps in that direction.

Congress had declared its hostility to the federal scheme in the 1935 Act; and in the minds of the more intransigent Congressmen the onslaught on the States had been aimed less at increasing its voting strength in the Federal Legislature than at frightening the Princes off altogether from joining the Federation and so torpedoing the whole scheme. In so far as this was the aim, the movement was successful. At the Round Table Conference in 1931 the Princes had fully identified themselves with the ideal of a self-governing India with Dominion Status, which implied responsible government at the Centre; and they had expressed their willingness to enter an All-India Federation. But even before the Conference was over they had begun to have second thoughts. In the negotiations with the British Government over the Act of 1935 they had stood stiffly on their rights, which they regarded as making them the allies rather than the feudatories of the King Emperor. Nor could they reconcile themselves to giving up to a Federal Centre even the minimum powers needed to make the Federation a reality. The Congress attack made them even more disinclined to enter an association in which their principal partner would be an organisation which aimed, not indeed at their dethronement, but certainly at reducing them to the position of constitutional monarchs—a position repugnant alike to their tastes and their traditions. Still worse, Gandhi had warned them that Congress might soon take the place of the Paramount Power. The Princes' reaction to all this was such that even before the outbreak of war led to the suspension of the federal negotiations the prospects of the Federation's becoming anything more than a paper scheme had receded into the distance.

In the conflict between Congress and the Princes the British authorities found themselves in a situation of the utmost difficulty on account of the two sets of wholly dissimilar commitments which governed their relations with the two political systems of India. On the one hand they were pledged to foster Parliamentary democracy in the British Indian Provinces. On the other, as the

custodian of the Crown's obligations to the Princes, they were pledged to defend them against subversive movements even if these were aimed at extending the blessings of Parliamentary democracy to their subjects. Fortunately the Congress movement was called off before it had created such a threat to the Princely regimes as would have necessitated British intervention on a large scale. But for the British authorities the embarrassment persisted. And the more scrupulously they honoured their commitments to the Princes, the more unpopular did the Princes become in the eyes of Indian nationalism which represented them as pawns in the British game of keeping the country divided in order to delay its independence.

In this dilemma the course of wisdom for the British was obviously to forestall Congress by themselves putting pressure upon Rulers to modernise and liberalise their administrations. Here, however, the Political Department came up against obstacles presented not only by treaty rights but also by 'usage and sufferance'. For, it must again be emphasised, the Crown's relations were with the Rulers of the States, not with their subjects; and, treaty rights apart, political practice had drawn somewhat narrowly the limits within which the British authorities could intervene in the domestic affairs of the States to promote reforms of any kind. The undertakings to allow the Rulers a free hand in their internal administrations were interpreted to preclude direct interference except where there was gross misgovernment. Thus at the height of the Congress campaign for responsible government an official statement of British policy said that though the Government 'would certainly not obstruct proposals for constitutional advance initiated by the Rulers', they had 'no intention of bringing any form of pressure to bear upon them to initiate constitutional changes. It rests with the Rulers themselves to decide what form of government they should adopt in the diverse conditions of Indian States'.[1] However, in the sphere of administrative, as opposed to constitutional, reforms the British attitude was a more positive one, though even here the Political Department could only exhort,

[1] Replies to P.Qs. *Hansard*. H/C, 332-4, 342. 2352.

warn and give detailed advice. During the war years this line of action developed into a steady pressure upon Rulers to induce them to reform their administrations, and thus to disarm criticism and strengthen themselves by winning support among their peoples. For it was becoming increasingly evident that in the near future the shield of the Paramount Power would no longer be available for their protection; hence the Political Department hoped that if they could be persuaded to set their houses in order they would in some degree gain internal in place of external protection, and thus equip themselves to negotiate with the heirs of British power satisfactory terms so as to ensure their place in the new India.

This doctrine was all very well as applied to the larger States, but the vast majority had nothing like the resources needed to provide themselves with modern administrations, nor were they large enough to become satisfactory units in a federal scheme. To these the Political Department could only give the urgent advice to co-operate with one another by forming groups whose size and resources might qualify them to join an All-India Federation, and which meanwhile might afford improved services such as High Courts, common police forces or expert advisers in medicine, agriculture, education or other fields. But there was a vast deal of leeway to be made up, and a vast deal of inertia to be overcome; and in spite of the energy and persuasive powers shown by many Political Officers, the results achieved were woefully small compared with the objects in view. The basic difficulty lay in the refusal of even the smallest Rulers to surrender, or even appear to surrender, any of their existing powers; like the nation States of the modern world, they could not bring themselves to take the crucial step of handing over to a larger group any part of their own sovereignty. To a considerable extent they were encouraged in this stand by the Rulers of the larger States. It might have been expected that these Rulers, whose States might hope to survive as autonomous units in an independent India, would be reluctant to identify their interests with those of the mass of small States which had little or no

chance of survival in any form. Instead, however, they emphasised the solidarity of all Rulers, so that any proposal to abridge the powers of even the pettiest chieftain was regarded as something like an affront to the whole Princely Order. In face of this attitude the diplomacy of the Political Department gave an impression of hesitation and feebleness at a time when the whole States system was in urgent need of a drastic overhaul.

The difficulties which confronted the Political Department were well illustrated by the fate of the most ambitious of its schemes for improving administration in the smallest class of States. In the Kathiawar and Gujerat areas of Western India there were hundreds of tiny estates which, although the local Political Officers exercised wider administrative and judicial powers there than was usual in State territory, were otherwise autonomous and therefore came within the category of Indian States. Throughout the whole region fragmentation had gone to fantastic lengths; this, and the poverty of the individual estate-holders, meant that the inhabitants had only the most rudimentary administrative services. As part of the drive to prepare the States for the future, the Political Department worked out a scheme under which the powers exercised by its officers in these estates would be transferred to some of the larger neighbouring States, notably Baroda, which in return would undertake to admit the inhabitants to educational, medical and other amenities on the same terms as their own subjects, providing new services where necessary. The estate holders were to keep their existing powers and privileges; and it was emphasised that the estates would retain their integrity, being merely 'attached' to their larger neighbours, not amalgamated with them. Nevertheless the scheme obviously had in view their eventual amalgamation, and it therefore aroused the determined opposition of the estate-holders. In 1943 an attempt was made to put it into effect, but legal objections were raised, necessitating the passing of an Act of Parliament. The resultant delay, and the obstruction of the estate-holders, prevented the scheme from taking root; and the beneficial consequences which had been hoped for were never realised.

When war broke out the Princes had hastened to reaffirm their loyalty to the Crown and to promise full support in men, money and material. To whatever extent their attitude was either necessitated by their treaty obligations or prompted by the hope of winning British sympathy which might help to procure their survival, it had certainly stood in sharp contrast to the Congress demand for independence as the price of its support. For their part the British Government explicitly recognised, in the August Offer of 1940, that the treaties with the States were one of their obligations which must be fulfilled, notwithstanding that the framing of India's new constitution was to be primarily the responsibility of Indians themselves. Two years later the Cripps Offer did indeed face the obvious fact that the coming into force of an Indian-made constitution must alter the whole basis of the relations between the Crown and the Princes; 'whether or not an Indian State elects to adhere to the Constitution', ran the Draft Declaration, 'it will be necessary to negotiate a revision of its Treaty arrangements, so far as this may be required in the new situation'. Yet a few months later, in December 1942, the Secretary of State (Mr. Amery) reaffirmed in answer to a Parliamentary question that subject only to 'usage and sufferance', the treaties and other engagements remained 'valid in their integrity'.[1]

Meanwhile their experiences of 1938–9 had caused the Princes to wonder whether there might not be some alternative future for them other than accession to an All-India Federation which Congress seemed bent on dominating. Like the Muslim League they were driven to consider complete separation; but unlike the League they did not at once adopt it and pursue it thereafter with unswerving persistence and determination. They had not the unity so characteristic of the League; moreover if Pakistan still seemed an impracticable vision, a Princely Dominion or Rajastan, including all or even a majority of the States, seemed—and obviously was—a far more chimerical project. There remained the possibility that a few of the larger States, either individually or in groups, might succeed in standing out of a

[1] *Hansard*. 385. Col. 1281–2.

future Union of India. This possibility was recognised in the Cripps Offer. In the constitution-making body to be set up after the war provision was to be made for the representation of the States on the same basis as British India; but States were also to enjoy equally with Provinces the right of declining to adhere to the future constitution.

The Chamber Princes, at any rate, showed no great enthusiasm for the idea of separation. They had welcomed Sir Stafford Cripps' Mission and had declared their willingness to play their part in framing a new constitution, always provided that their treaty and other rights, as well as the sovereignty and integrity of their States, were safeguarded. In a letter to Sir Stafford, however, the Chancellor of the Chamber (the Jam Saheb of Nawanagar) asked for an assurance that, if a number of States did not find it feasible to adhere to the new constitution, they 'should have the right to form a union of their own, with full sovereign status in accordance with a suitable and agreed procedure devised for the purpose'. No public answer to this was given. During the Cripps negotiations, indeed, there was no occasion for detailed consideration of the States' future; for the primary purpose of the Offer—and the same had applied to the August Offer—was to bring the leaders of the main political parties into the central executive of British India. The constitutional future, whether of the States or of India as a whole, was only sketched in the bare outline needed to serve this end.

Subsequent events have shown how illusory it was to suppose that any of the States, whether individually or in association, would be able to maintain themselves independently of the successor Government or Governments of British India. It was inconceivable that the mass of small and medium-sized States would be able to survive the departure of their British protector for more than a short time; they faced inevitable and speedy extinction. Even the largest, richest and most territorially compact States were subject to serious disadvantages. Hyderabad, Kashmir and Mysore, for example, had none of them access to the sea, and were thus at the mercy of whoever controlled the

territory which lay across their trade routes; while those few States which possessed sea-ports had not the territory or the resources to carry on by themselves. But the dominant factor has already been indicated; it was that the States people were not, generally speaking, separated from their British Indian neighbours by any barriers of race, religion, language, culture or physical geography; in other words, there existed not one of the diverse elements which may lead a people to believe that they constitute a nation.

The only condition on which some States might have been able to exist apart from the rest of the country was that they should be protected by the armed forces of an external power; hence the suggestion that Britain might choose to keep certain selected States under her Paramountcy, or in some similar relationship which might replace it. This was one of the bugbears of Indian nationalism, which feared that Britain would seek in this way to retain a foothold in Indian affairs, at the same time obtaining military and air bases of strategic value as links with her possessions further east. But for Britain any such expedient would surely have been a counsel of despair. It would have implied that in the remainder of India she was transferring power to authorities with whom she was on such bad terms that she saw no prospect of ever inducing them to grant her facilities at all comparable with those she would gain by preserving one or more States under her control. And it would have meant that she must reconcile herself to the permanent hostility of these successor authorities. For the suspicions of those who had accused Britain of aiming, so far as still lay within her power, to keep India weak and divided would have been confirmed; and nothing could be better calculated to produce constant friction, perhaps even culminating in war. Finally, any such arrangement would have been strongly criticised in Britain, where sympathy with the Princely autocrats was, in spite of their support in the war, unfashionable except in very restricted circles.

But if Britain was not going to continue her protection of the Princes, how could she avoid defaulting on her obligations towards them? There were many of them who owed their position to the fact that some 150 years earlier their forefathers had had the

wisdom or good fortune to become protégés of the new British power; and since that time the whole Princely Order had been maintained by British rule in a situation where the responsibilities of government were far outweighed by the authority and wealth at their command. Perhaps no other body of men has ever enjoyed for so long an existence combining in such a degree power, privilege and security: for the feudal baron had had to protect his domains by his own exertions, and the *grand seigneur* had been deprived of his share in government. But the Crown's treaty obligations and solemn assurances could not be repudiated on the ground of benefits conferred, nor brushed aside on the plea that every dog has his day. The case for holding that when Britain relinquished her power in British India she could consider herself released from her engagements to the Princes rested on stronger grounds than these. For the real basis of Paramountcy was not treaties, grants, pledges or promises, but the fact of British supremacy throughout India. When the British authorities had entered into these engagements they had done so on the assumption that they would continue to hold the sovereign power in the country. Only on this condition could Britain carry out her obligations to protect the States from aggression. That she could give up British India and yet continue to afford military protection to the States might be a daydream of some Rulers and a nightmare of some nationalists; but, as has been shown above, it was not practical politics. Thus the end of British power in the Provinces must inevitably bring about also a revolutionary change in the position of the States and in Britain's relations with them. The causes of this change were manifold, but all of them, and the completely altered circumstances they had produced, were utterly beyond the range of comprehension of those by whom the treaties and other engagements had been contracted. Hence, in so far as *rebus sic stantibus* is a condition of all human arrangements, it could hardly be maintained that Britain must still contrive by some means or other to honour her engagements to the Indian Rulers. To this it might be objected that, to the extent that Britain was willingly renouncing her supremacy in British

India, she was herself responsible for the change in circumstances; but she could retort that the Princes on their side had given the change their whole-hearted approval. For years they had seen that they could not stand in the way of their country's advance towards independence without forfeiting their claim to be patriotic Indians; and they had repeatedly declared their full sympathy with nationalist hopes. They could not consistently pledge themselves to do their share in winning India's freedom and at the same time insist upon the continued fulfilment of obligations which it would be impossible for Britain to implement when her control was removed from the greater part of the country.

But this was not the whole story. Britain had not yet given up her control of British India; and until she did so she was morally bound, not only to honour her engagements to the Princes, but to prepare them for the day when she would be able to do so no longer. In this situation she saw it as her duty to do everything possible to enlighten them about their position and her own: not to encourage false hopes but, on the contrary, to show them the unwisdom of standing on the letter of their treaties. On the other hand she felt herself bound to do what she could to ensure that, when her Paramountcy was withdrawn, the Princes would stand a fair chance in the negotiations with the successor authorities on the terms for their entry into a new Indian Federation. There were two ways in which British policy tried to further this object during the years leading up to the transfer of power. First, the Political Department intensified its efforts to persuade the Rulers to strengthen their position at home by reforming their administrative machinery; and it now took a more positive line in recommending them to associate their peoples with their governments. Secondly, British spokesmen repeatedly made it clear that Paramountcy could not and would not be transferred to any successor Government of British India. Congress held that such a transfer was feasible and necessary in order to avoid the Balkanisation of the country. Its legal advisers agreed that inasmuch as the Viceroy could only fulfil his functions as Crown Representative because he was also head of the Government of British India, the

latter was the real Paramount Power, and therefore on the British departure Paramountcy would revert to the successor authorities in British India. In the Congress press the treaty rights were dismissed as 'fictitious' or 'imaginary'. But it would have been out of the question for Britain formally to hand over to any third party her contractual relations with the Princes without their consent. When she gave up her power in British India her Paramountcy over the States would lapse. She would simply drop it. Whether the gravitation of power would enable anyone else to pick it up was another matter.

The constitutional developments of the latter half of 1945 primarily concerned British India. The Princes adopted a policy of 'wait and see' on the ground that there was no point in discussing their own place in a future India until the two major parties had reached a settlement. Meanwhile they confined themselves to welcoming all efforts to further the constitutional progress of the country, and to declaring that they would be ready to play their part when the time came. Furthermore there were signs that some of the most influential Princes were paying great attention to the question of internal reform. Here a strong and energetic lead was given by the Nawab of Bhopal, the Chancellor of the Chamber of Princes. In January 1946 he made a declaration on constitutional developments in the States 'on behalf, and with the full authority, of the Chamber'. This enumerated the objects at which the States should aim, including 'constitutions wherein the sovereign powers of the Ruler are exercised through regular constitutional channels', though 'without in any way affecting or impairing the continuance of the reigning dynasty in, and the integrity of, each State'; 'popular institutions with elected majorities to ensure the close and effective association of the people with the governance of the States'; and the securing, by means of independent judiciaries, of civil liberties and equality before the law.

Although it seemed that the Princes could play only a secondary role in the constitutional negotiations, the British Government was of course obliged to keep them in the picture, especially as the pace and urgency of the negotiations quickened. At the

Chamber of Princes session in January 1946, when the Nawab of Bhopal made his declaration on constitutional developments within the States, Lord Wavell gave the Princes an assurance that the Crown had no intention of initiating any change in its relationship with them or in the rights guaranteed by treaties and engagements without their consent. He was confident, he added, that the Princes' consent to any changes which might emerge as a result of the constitutional negotiations would not unreasonably be withheld.

The Cabinet Mission went considerably further. They had, first, to lay down the principles which would govern Britain's future relations with the States and, second, to propose arrangements to smooth the future relations between the States and the rest of India. At their first interviews with Rulers they outlined British policy on both these matters, and the substance of what they then said was afterwards published in the form of a Memorandum.[1]

On the question of Britain's relations with the States, the Memorandum said that during the interim period before a new constitution came into force, Paramountcy would remain in operation; but the British Government could not and would not in any circumstances transfer it to an Indian Government. When, however, British India became independent, their influence with its new Government would not be such as to enable them to carry out the obligations of Paramountcy, nor could they contemplate British troops being kept in India for this purpose. 'Thus, as a logical sequence and in view of the desires expressed to them on behalf of the Indian States, His Majesty's Government will cease to exercise the powers of Paramountcy. This means that the rights of the States which flow from their relationship to the Crown will no longer exist and that all the rights surrendered by the States to the Paramount Power will return to the States.' The existing political arrangements between the States on the one side and the British Crown and British India on the other would thus come to an end.

[1] Memorandum on States' Treaties and Paramountcy presented by the Cabinet Mission to His Highness the Chancellor of the Chamber of Princes on the 12th May, 1946 (Cmd. 6835, pp. 11–12).

On the question of the future relations between the States and British India, the Memorandum noted the expressed wish of the States both to contribute to the framing of the new constitutional structure and to take their due place in it when completed. To this end it repeated the familiar exhortation to them to do everything possible to raise their administrations to the highest standard and, where their resources were insufficient for this, to form or join larger administrative units. It likewise advised them, where they had not done so already, 'to place themselves in close and constant touch with public opinion' by means of representative institutions. During the interim period they would also have to negotiate with British India about 'the future regulation of matters of common concern, especially in the economic and financial field'. This was a reference to the large number of existing agreements between the States and the British Indian authorities on economic and other matters, of which mention has been made above. These would have to be either replaced by new agreements or else continued until new arrangements could be made.

Lastly, when Paramountcy was withdrawn, the void created by the disappearance of the existing political arrangements would have to be filled either by the States entering into a federal relationship with the successor authorities in British India, or failing this, entering into particular political arrangements with them.

The Mission's Statement of May 16th, like the Memorandum, referred to the lapse of Paramountcy and to the States' declared readiness 'to co-operate in the new development of India'. The Statement, however, did not deal with the States in the same detail as the Provinces, on the ground that the precise form which the co-operation of the States would take 'must be a matter for negotiation during the building up of the new constitutional structure and it by no means follows that it will be identical for all the States'. Nevertheless the Mission made it clear that they hoped and expected the States, equally with the Provinces, to become members of the projected Union of India, with representation in its executive and legislature; though, like the Provinces, the States would be autonomous except for the few

matters expressly ceded to the Union. The plan for the Constituent Assembly gave the States representation on the same ratio as the Provinces, that is to say, one representative to a million of population; this meant that they would have 93 representatives in all. On the question how these should be chosen the Mission came up against the familiar difficulty of the Crown's having no relations with the States peoples, but only with their Rulers; hence they were not in a position to stipulate that the States representatives should be chosen by popular election rather than by nomination. To get over this difficulty the Statement said that the method of selecting the States representatives would have to be determined by consultation; a negotiating committee from the States would attend the preliminary meetings of the Constituent Assembly and would discuss this question with the British Indian members. The full quota of States representatives would take part only in the final stage of the Assembly, when they would join with the representatives of the Sections in order to settle the Union constitution.

The Standing Committee of the Chamber of Princes gave their views on the Memorandum and the plan of May 16th in a Press statement and a letter to the Viceroy.[1] In their judgment the plan provided 'the necessary machinery for the attainment by India of independence as well as a fair basis for further negotiations'. They likewise welcomed the Memorandum, though they proposed certain adjustments in the arrangements suggested for the interim period. They at once appointed a negotiating committee consisting of leading Princes and Ministers, and nominated representatives for the proposed negotiations with British India on matters of common concern. But they added that only at a later stage would they themselves, and the States generally, be able to take final decisions, including the decision whether or not to join the Constituent Assembly. Lastly, the Standing Committee endorsed what the Memorandum had said on the subject of internal reform and urged States which had not already done so to announce immediately their decision to follow the lines

[1] These documents, with the Viceroy's reply, are reproduced on pp. 5–8 of Cmd. 6862.

laid down in the Chancellor's declaration of the preceding January, and to take steps to implement that decision within twelve months.

To all appearances, then, there was a broad community of objective between the Princes and the British Government. At first sight, moreover, there was no violent contradiction between the declared aims of either of them and those of Congress. All were avowedly working for a federal Union of India whose members, whether Provinces or States, would enjoy a large degree of autonomy. Secondly, there was general agreement that the Princes must be prepared to associate their peoples more closely with their governments; though whereas Congress maintained that this must mean the immediate grant of responsible government, the Princes and their Ministers were in no such hurry and some doubted whether the 'Westminster model' was suited to conditions in the States. Finally, none of these parties could now believe that the vast majority of the States would be able to keep their existing measure of independence: for all but the largest, amalgamation with other States or neighbouring Provinces seemed inevitable.

But in reality there was of course a fundamental difference in outlook between the Princes and Congress on the whole States problem. Though in response to the spirit of the times the Princes might delegate some part of their powers to their subjects, they were determined to remain the fountain of authority in their States; and they might justify their stand, not only on the ground of prescriptive right, but by maintaining that kingship in the Indian tradition was the form of government best suited to the needs of an uneducated peasantry. Congress, on the other hand, asserted that the form of government in the States, and their place in the future India, could be decided only by their peoples. Every question touching the States was regarded in the light of this principle of popular sovereignty. Thus though Pandit Nehru, in his capacity of President of the All-India States Peoples Conference, had welcomed the Chancellor's declaration on constitutional developments, he had done so mainly because he saw it as a sign that the Princes were beginning to break away

from the leading strings of the Paramount Power and look for support to their own peoples. And more usually his utterances showed that he relied upon the States peoples to look to Congress rather than to their Rulers. Thus in referring to the situation which would arise when Paramountcy lapsed he wrote[1]: 'it is inconceivable to me that any State will be independent and outside the limits of the Union'. The implication evidently was that the States would be forced into the Union by popular pressure, applied either directly or through the new Central Government. On the same ground Congress distrusted the grouping schemes sponsored by the Political Department. These, it held, instead of being the creation of an alien authority which consulted the Rulers only, should be left for consideration by the Constituent Assembly and be put into effect only with the approval of the people concerned.

The official policy of Congress towards the States remained the same as before the war. The States, in its view, must become integral parts of a free India. In so far as they could qualify, whether singly or in groups, to become members of an All-India Union, they would enter it on the same terms, and with the same measure of autonomy, as the British Indian Provinces. Meanwhile they must immediately be granted responsible government under their Rulers as constitutional heads. But responsible government was now put forward, no longer as a more or less distant objective, but as an urgent demand whose satisfaction by the Princes was the only means of avoiding their own extinction. Similarly the Congress attitude towards helping political movements in the States had been intensified rather than altered. It was still based on the Haripura resolution of 1938; that is to say, Congress as an organisation must refrain from taking an active part in such movements though Congressmen were at liberty to do so in their individual capacities. Congress, however, had constantly in mind the struggles of its allies in the States and was quick to protest in outstanding instances when they were denied civil liberties or

[1] In July 1946, replying to an enquiry on the future of Kalat State from Khan Abdus Samad Khan, a Baluchistan political leader.

otherwise harassed by the Princely regimes. This was strikingly demonstrated when, at the height of his negotiations with the Mission, Pandit Nehru himself twice intervened dramatically in conflicts between States peoples and their Rulers. In the small Punjab State of Faridkot, where political workers had recently been arrested, he defied a ban on public meetings and processions by heading a huge procession and addressing a meeting. A few weeks later he tried to enter Kashmir, despite an order forbidding him entry, to attend the trial for sedition of Sheikh Abdullah, the leader of the local political party associated with Congress. At the frontier he became involved in a clash with the State police, was served with a notice to leave and, on refusing to comply, was arrested. He was soon released and returned to New Delhi to continue his discussions with the Mission.

For some years, as successive British declarations had begun to give shape to the future Constituent Assembly, Congress had added to its demand for responsible government in the States the demand that the States representatives in the Assembly should not be the nominees of the Rulers but the elected choice of their peoples. Its motives were the same as had led it to press for popular representation of the States in the Federal Legislature under the 1935 Act; in each case its principles combined with its interests to advocate a method which would inevitably add to its voting strength in the body concerned. Thus one of its reasons for rejecting the Cripps Offer had been 'the complete ignoring of ninety millions of people in the Indian States' in the projected constitution-making body. With the Mission it took a similar line, showing disappointment that the Statement of May 16th, instead of insisting upon popular representation, left over the method of choosing the States representatives to be settled by negotiation. Similarly it criticised the Mission for seeing no one from the States but Princes and their Ministers, and for declining to meet representatives of such bodies as the States Peoples Conference: though it was well aware of the constitutional reason which would have made it difficult or impossible for them to do otherwise.

With the widening of the breach between Congress and the Muslim League which followed the Mission's departure, it became possible that the Princes, whether by choice or necessity, would abandon their waiting policy and align themselves with one or other of the parties. Already in August the Chamber of Princes found it necessary to deny a rumour that owing to the Muslim League's decision to boycott the Constituent Assembly they might revise their own decision to take part. And as the weeks passed and no Congress-League settlement came in view, there was some alarm in Congress quarters lest the Princes should make common cause with the League to oppose the party which was now entrenching itself in the Central Government. For the Princes there might have been some superficial advantages in this alliance. Like the League, they had an overriding fear of domination by Congress. Moreover the League had much less interest than Congress in circumscribing the autonomy of the Princes, since only comparatively few States lay within the Provinces claimed for Pakistan, or on their borders. In 1940, at the time of the League's original adoption of the Pakistan objective, Jinnah had issued a statement which, after indicating that the States in the north-western zone would be welcome to join 'the federation of the Muslim Homeland', declared that the League had no desire to coerce them in any way. Since then he had said little on the States problem, though he had more than once accused the Hindu Maharaja of Kashmir of ill-treating his Muslim subjects. Altogether it might be supposed that the Princes would have little to lose and much to gain by allying themselves with the League.

But it would have been an unholy alliance. The Princes would have had to accept the Pakistan policy, with which the majority, as Hindus, could have no sympathy. They would have opened the way to communal strife in their own territories, which had hitherto been almost wholly free from the riots and massacres which were now convulsing other parts of the country. Even more important, if they joined forces with the League they would greatly increase the risk of civil war, and would greatly enlarge its

scope if it came. It was doubtful whether their subjects would be willing to fight for them against their British Indian neighbours: but however loyal they might prove, it would be a poor return for their loyalty to involve them in such a conflict. And from the turmoil that would ensue, was there any certainty that the Princes —who had neither the temperament nor the training to become successful warlords—would emerge as victors? It was more likely that they would be consumed in the general conflagration. As the Congressman Mr. Asaf Ali warned them, 'chaos will prove a powerful crucible for chaplets and bejewelled tiaras'.

It is to the credit of the Princes that they did not apparently give serious consideration to the idea of an alliance with the League. On the contrary, their leaders stressed the need for a communal settlement, and at the beginning of October 1946 the Nawab of Bhopal figured prominently in efforts to mediate between the two parties. However in December, when the Constituent Assembly met, they were brought up against the necessity of making a choice which might well be decisive for their own future. Should they, through their negotiating committee, co-operate with the Constituent Assembly by opening discussions on the method of selecting the States' representatives; or should they stand aloof on the ground that without the Muslim League it was not an adequately representative body? Some of the early proceedings of the Assembly were not such as to encourage the Princes' co-operation. In particular, the 'objectives' resolution seemed to them to prejudge a number of questions which ought properly to be decided only after negotiation with the States. For the resolution declared the Assembly's intention of drawing up a constitution for an independent sovereign republic including not only British India but the States also; it mentioned the possibility of the Assembly's determining new boundaries for the territories of the Union; it referred vaguely to powers and functions 'inherent or implied in the Union or resulting therefrom'—a phrase which had no warrant in the Mission's Scheme; and it unequivocally declared that the people were sovereign not only in India as a whole but in its constituent parts as well.

Mention has been made in Chapter IV[1] of the statement issued by members of the States' negotiating committee deploring the introduction of a resolution raising such fundamental issues in the absence of the States' representatives. At the session of the Assembly in January 1947 Pandit Nehru, when winding up the debate on the resolution, strongly attacked Princely objections to the idea of popular sovereignty. 'It is a scandalous thing', he said, 'for any man, however highly placed he may be, to say he has any special divine rule over human beings today. That is an intolerable presumption on any man's part and it is a thing which I hope this House will never admit for an instant and repudiate if it is put before it. On the idea of the Divine Right of Kings there is going to be no compromise'. Nevertheless, if the people of a State chose to have some kind of constitutional monarch at their head they were welcome to do so. 'For my part I am a republican in India and everywhere else every time'.

The sharp reaction which all this produced among the Princes was shown when a general conference of Rulers, meeting on January 29th, adopted a resolution setting out, for the guidance of the negotiating committee, a number of 'fundamental propositions' which, they claimed, formed the basis of the States' acceptance of the Mission's plan. These asserted that the States would enter the Union only by negotiation, the final decision resting with each State; the participation of the States in the constitutional discussions would not prejudge their ultimate decision; on the British withdrawal Paramountcy would pass to the States themselves and not to the future Union Government; there could be no question of the latter's possessing any 'inherent or implied' powers, but it would exercise in relation to the States only such powers as they expressly delegated to it; for the rest, every State should continue its sovereignty, and its constitution, its territorial integrity and succession, and its reigning dynasty, should not be interfered with by the Union or any unit thereof; and so far as the States were concerned the Constituent Assembly was authorised only to settle the Union constitution in accordance

[1] See p. 131.

with the Mission's plan, and not to deal with questions bearing on their internal administrations or constitutions.

These propositions could be justified by reference to the Mission's Memorandum and plan. Nevertheless they marked a stiffening of the Princes' attitude, and it seemed doubtful whether the discussions between the States' negotiating committee and the corresponding committee of the Constituent Assembly would bear fruit. There was surprise, therefore, when after meeting on February 8th and 9th the two committees reported in a joint communiqué that their proceedings had been friendly and satisfactory; and that the Secretariats of the Constituent Assembly and the Chamber of Princes would work out joint proposals for the allocation of the States' seats and submit them to the next meeting of the two committees, which would also consider the method of selecting the States' representatives. This did not go very far; but, coming as it did a few days after the Muslim League Working Committee had condemned the Constituent Assembly and demanded its dissolution, it was a victory for the diplomacy of Pandit Nehru, who led the Assembly Committee.

There was, however, a rift in the Princely front. This was shown when the important State of Baroda somewhat compromised the next stage in the labours of the two negotiating committees by agreeing independently with the Assembly committee that she should have three representatives, who would be elected by the State Legislature. Sir B. L. Mitter, the Chief Minister of Baroda, who conducted these negotiations, claimed that he had got together a party among the States to oppose those who wanted to compel Congress to accept the Princes' 'fundamental propositions' on pain of the States boycotting the Assembly. Against this, the Nawab of Bhopal stressed the unanimity of the States and the accommodating attitude shown both by them and the Assembly Committee.

A few days later the Statement of February 20th again assured the Princes that the British Government did not intend to hand over Paramountcy to any Government of British India. It added that Paramountcy, as a system, would not be brought to a

conclusion before the final transfer of power in June 1948, but during the intervening period the relations of the Crown with individual States might be adjusted by agreement.

This seemed to call for detailed negotiations between the States and the Political Department with the object of modifying some of the arrangements which had grown up under Paramountcy and thus making the final break less abrupt. On the wider issues, the new Statement did not seem to the Princes to demand any revision of their policy of adherence to the Mission's plan and of doing what they could to promote a Congress-League settlement while remaining neutral in any controversy which did not concern them. Thus renewed rumours that they intended to shun the Constituent Assembly until the League came in proved unfounded; and the next meeting of the two negotiating committees, held at the beginning of March, again resulted in agreement. The recommendations of the two Secretariats for the allocation of seats among the States were approved; and it was agreed that not less than fifty per cent of the total representatives of the States should be elected by elected members of Legislatures or, where these did not exist, other electoral colleges. The States undertook to endeavour to increase the quota of elected representatives to as much above 50 per cent as possible.

The agreement, which was endorsed by a Conference of Rulers, by the All-India States Peoples Conference and, later, by the Constituent Assembly, was an encouraging example of the possibility of compromise even between those whose principles were in the sharpest conflict. In fact it was brought about by the compulsion of events. On one side, the Princes whose territories lay within Hindu India saw that they must come to terms with Congress sooner or later, and the sooner they did so the more goodwill they might expect from the new rulers of the country. On the other side, Congress wished to disprove before the world in general, and the British and the League in particular, the accusation that the Constituent Assembly was little more than a party caucus. To its own followers who blamed it for compromising on the principle of 100 per cent popular representation,

it could oppose the practical argument that only in the few States with elected legislatures did there exist the requisite machinery for choosing popular representatives to the Assembly.

At the Rulers' Conference which ratified the agreement there was a widening of the rift which had first become apparent with the independent action of Baroda. The Nawab of Bhopal and the majority wished to adhere strictly to the Mission's plan and send their representatives to the Assembly only at the final stage when the Union constitution was to be drawn up. But there was an active minority, led by the Maharajas of Patiala and Bikaner, which wanted the States' representatives to join in at once. This controversy was smoothed over by a compromise whereby each State was left free to enter the Assembly at any stage after the latter had ratified the agreement between the two negotiating committees. But it was now clear to everyone that the Rulers were divided into two parties. When the Assembly met on April 28th the representatives of eight States—Baroda, Cochin, Udaipur, Jodhpur, Jaipur, Bikaner, Rewa and Patiala—took their seats. These were all large and important States, with a combined population of some twenty million. Except for the Sikh Maharaja of Patiala, all their Rulers were Hindus. Most of them had recently announced constitutional reforms which went a considerable distance towards responsible government. In the Assembly their representatives indignantly repudiated the suggestion that they had been brought in by coercion, and asserted that as the States were an integral part of India and were going to share in her coming freedom they should also share in the responsibility of framing her constitution. At the July session of the Assembly another thirty-seven members from the States appeared, including representatives from the very important States of Mysore and Gwalior.

On the other hand, a number of the larger States adopted a much less forthcoming attitude. These emphasised the independence they would enjoy when Paramountcy came to an end, and which would enable them to negotiate on equal terms with the successor authorities of British India. They were disposed to insist upon certain conditions, such as the acceptance of the

'fundamental propositions' of January 29th, before they would enter the Assembly. The Nawab of Bhopal, the moving spirit of this party, was making a desperate effort to form a Rajastan comprising a number of neighbouring States in Central India. It was to Rulers of this way of thinking that Pandit Nehru referred when, addressing the States People's Conference, he deplored 'the shop-keepers' mentality' of some Princes, which would result in creating enmity between them and the rest of India. 'All those who do not join the Constituent Assembly now,' he added, 'should be regarded as hostile States and they will have to bear the consequences of being so regarded.'

The Viceroy for his part made it clear that Britain would give no encouragement to the States to assert their independence. The Statement of June 3rd mentioned them only to say that the British Government's policy contained in the Cabinet Mission memorandum of May 12th 1946 remained unchanged. But it was clear that the new plan would lead to the establishment of two strong central authorities in place of the single minimal centre of the Cabinet Mission plan: hence its publication increased the desire of the larger States for complete severance from the rest of the country. At his Press Conference Lord Mountbatten declared that the States would be unable to enter the Commonwealth separately as Dominions; adding only that if any State came to him for a separate treaty—economic or military—with the British Government he would transmit the request to them, but the question had not so far arisen. Nevertheless two States of the first rank announced their intention of setting themselves up as independent countries. A few days after the announcement of June 3rd Hyderabad and Travancore declared that on August 15th they would become independent sovereign States; though each professed its willingness to co-operate with the rest of India on a basis of equality.

The Congress reaction to this development was prompt and vigorous. Its All-India Committee at once passed a resolution refusing to admit the right of any State to declare its independence and live in isolation from the rest of the country. The familiar

argument was repeated that on the lapse of Paramountcy the sovereign people would have the right to determine their own future. It was also contended that as a matter of hard necessity Paramountcy would pass to the new Dominion Governments. 'Paramountcy', said Mr. Rajagopalachari, 'came into being as a fact and not by agreement and on the British withdrawal the successor authority must inherit the fact along with the rest of the context.' Pandit Nehru argued that independent States within India would be a danger to the country's security; hence the recognition of such independence by any foreign power would be considered an unfriendly act; the only alternative to the assumption of Paramountcy by the new Indian Government would be for the States, either singly or in groups, to join the Indian Union as equal partners with the Provinces. Gandhi asserted that declarations of independence by Indian Princes were 'tantamount to a declaration of war against the free millions of India'. Only Jinnah and his henchmen championed the States' claim to exercise complete freedom of action. As has been explained, the League could afford to take this line; moreover its sympathies were decidedly with the Muslim Nizam of Hyderabad as opposed to his predominantly Hindu subjects.

Meanwhile the old machinery for conducting the relations of the States with Government and among themselves was breaking up. The Nawab of Bhopal had resigned the Chancellorship of the Chamber of Princes, at the same time recommending that the Chamber should cease to exist—apparently on the ground that, being a creation of Paramountcy, it would be unable to survive its lapse. The dissolution of the Chamber was hastened when, on the Nawab's resignation, the Maharaja of Patiala, as Pro-Chancellor, took his place; and a large majority in the Standing Committee, who disagreed with the Maharaja's policy of collaborating with the Constituent Assembly, refused to recognise him. At the beginning of June a Committee of Ministers was appointed to supervise the Chamber's liquidation. A month later a States Department was created so that the successor Governments might each have an organisation to conduct its relations with the

States when the Political Department was wound up. The new Department was placed in the charge of Sardar Patel, working in consultation with Sardar Abdur Rab Nishtar. On its establishment Sardar Patel made a highly conciliatory statement addressed to the Princes. Emphasising the importance of preserving the fundamental homogeneity between the States and the rest of the country, he appealed to those who had not already done so to come into the Constituent Assembly. They would be asked to do no more than accede on the three subjects of foreign affairs, defence and communications. 'In other matters we would scrupulously respect their autonomous existence. . . I should like to make it clear that it is not the desire of Congress to interfere in any manner whatever with the domestic affairs of the States. They are no enemies of the Princely order but on the other hand wish them and their people under their aegis all prosperity, contentment and happiness. Nor would it be my policy to conduct relations of the new Department with the States in any manner which savours of domination of one over the other; if there would be any domination it would be that of our mutual interests and welfare.' Here was no threat, nor any hint of coercion; the intention was evidently that the new Department should not, like the Political Department, be an agent of Paramountcy, but a means of conducting business between equals.

There was, however, no time to be lost. It might be months before the Constituent Assembly reached the stage of considering the Union centre. But meanwhile, if by August 15th no arrangements had been made between the States and the successor Governments, not only would there be no constitutional relationship between them on the three subjects which Sardar Patel had specified, but the economic life of the country would break down, since all the working agreements on matters of common concern would have lapsed. India would be split, not into two parts only, but into several hundred. The Princes would be threatened by economic blockade, followed by forcible overthrow at the hands of nationalist organisations in their territories, assisted from the neighbouring Provinces.

It was to discuss urgently means for filling this vacuum that Lord Mountbatten summoned a conference of about one hundred Rulers and representatives of States, which met at New Delhi on July 25th. This was the first and last occasion on which he addressed the Princes as Crown Representative; and what he had to say was of the utmost importance. In the first place he recognised that inasmuch as the Independence Act had released the States from all their obligations to the Crown, they would have complete freedom—technically and legally they would be independent. But, he continued, there had grown up under British rule a system of co-ordinated administration on all matters of common concern, which meant that the sub-continent of India acted as an economic entity. If nothing took the place of this system, only chaos could result in which the States would be the first victims. Similarly, although in theory the States were at liberty to link up with either of the Dominions, in practice there were certain geographical compulsions which could not be evaded, and which irretrievably linked the vast majority with the Dominion of India. The problem therefore was of far greater magnitude with the Dominion of India than with Pakistan. In the case of Pakistan the States, although important, were not so numerous, and Jinnah was prepared, said the Viceroy, to negotiate with each State separately and individually. But in the case of India, where the overwhelming majority of the States were involved, clearly separate negotiation with each State was out of the question.

In this situation he urged upon the sympathetic attention of the Rulers a draft instrument of accession to the Dominion of India which, although not yet accepted by the future Government in India, he had caused to be circulated as a basis for discussion. This document provided that the States should accede on three subjects only, foreign affairs, defence and communications, without any financial liability. It further contained explicit provision that in no other matters had the central government any authority to encroach on the internal autonomy or sovereignty of the States. 'My scheme', concluded Lord Mountbatten,

'leaves you with all practical independence you can possibly use, and makes you free of all those subjects which you cannot possibly manage on your own. You cannot run away from the Dominion Government which is your neighbour any more than you can run away from subjects for whose welfare you are responsible.'

The conference ended with the appointment of a Committee of Princes and States Ministers to consider the draft instrument of accession and a draft standstill agreement continuing in operation for the time being the existing arrangements on economic and administrative matters. It was significant that among the members of the Committee were the Nawab of Bhopal and the Chief Ministers of Hyderabad and Travancore.

Lord Mountbatten now brought all his considerable powers of persuasion to bear upon the Princes in order to secure acceptance of these two documents. Sardar Patel likewise directed his energies to this end since the drafts, though not yet formally accepted by his Government, had been prepared in his Department and represented his own view of what was expedient. Clearly the Princes were no longer blind to the compulsion of events, but were eager to take any step which seemed likely to secure them a place in the new order of things. By their acceptance of the Cabinet Mission scheme they had acknowledged that it was reasonable for them to give over to the central government control of the three subjects. Moreover the draft instrument expressly provided that accession did not automatically bind States to acceptance of India's future constitution.

For these reasons the success achieved by Lord Mountbatten and Sardar Patel was spectacular: and in his address to the Constituent Assembly on August 15th Lord Mountbatten was able to report that practically all the States concerned had signed the instrument of accession and the standstill agreement. These included, not only the States which had all along favoured collaboration, such as Baroda, Cochin, Bikaner and Patiala, but also Travancore and Bhopal. The new Dominion of India thus came into existence with the great majority of the States linked

to it by a constitutional relationship of a new kind, covering a limited but vitally important field.

There were in fact no more than three States the question of whose accession was to cause trouble. But the problems connected with these three—Junagadh, Hyderabad and Kashmir—were, in ascending order of gravity, to embitter relations between India and Pakistan to such an extent as to arouse doubt whether the whole business of the States' future had not been handled with too much haste and too little attention to diversity of circumstances.

The first controversy broke out almost immediately after August 15th, when it became known that the Muslim Nawab of Junagadh had decided to accede to Pakistan, and that Pakistan had accepted his accession. A comparatively small State of 4,000 square miles, Junagadh lay on the south-western sea-board of the Kathiawar peninsula north of Bombay Province. Its chief seaport, Veraval, was about 350 miles from Karachi. Except by sea, it was cut off from Pakistan, and was surrounded on three sides by States whose Hindu rulers had acceded to India; and not only surrounded, since there were enclaves of Junagadh territory within their States and enclaves of their territory within the main body of Junagadh. There could be no doubt of the Nawab's right to accede to whichever Dominion he chose; but it was equally certain that he was ignoring the 'geographical compulsions' of which Lord Mountbatten had spoken in his address to the Princes on July 25th. Moreover he was taking no account of the wishes of his 816,000 subjects, over 80 per cent of whom were Hindus.

The matter was further complicated when the two petty States of Mangrol and Babariawad, which had always disputed Junagadh's claim to be their suzerain, now took the opportunity to assert their independence by acceding to India. Their accession was accepted, but the Nawab, maintaining that they should not have acted without his consent, occupied them with his troops.

The neighbouring Hindu rulers had long been jealous of the formal precedence which the Nawab enjoyed among them—a

legacy from Mogul times. Led by the Jam Saheb of Nawanagar, they professed great indignation at this violation of Indian territory, and great alarm at the menace to the peace and prosperity of Kathiawar which, they held, was implied in Junagadh's accession to Pakistan. They therefore mustered their troops on the Junagadh frontier and appealed to the Government of India for military protection.

The Government of India had already suggested to Pakistan that the question of Junagadh's accession should be decided according to the wishes of its people. They had received no reply. They now made the most of the appeal from the neighbouring States and of their obligation to protect these and to safeguard their interests. They continued to insist that all they sought was an amicable solution of the problem, and to suggest that it should be decided by means of a plebiscite of the people of Junagadh, held under impartial auspices. But at the same time they sent troops to the frontiers of the State and cut off its postal, telegraph and air communications with the rest of India, as well as its customary supplies of coal and petrol. Meanwhile, following European precedents, a body of Junagadh subjects outside the State set up a Government in exile, under the leadership of a nephew of Gandhi.

It was not until October 7th that the Government of Pakistan made known their attitude. An official announcement asserted that Junagadh and other States had acceded to Pakistan voluntarily and freely; they had the full legal right to do so, and the Pakistan Government could not recognise anybody's right to interfere with the free exercise of this. The measures which India had taken against Junagadh had as their pretext that her accession to Pakistan was a threat to other Kathiawar States; this proposition was patently absurd and did not bear examination. The Pakistan Government were willing 'to discuss conditions and circumstances wherein a plebiscite should be taken by *any* State or States'; but they demanded that, as a condition precedent to any attempt at amicable settlement, the Government of India should withdraw their troops.

The Government of India replied by refusing to do this until the Government of Pakistan gave them a categorical assurance that they would agree to the holding of a plebiscite in the specific case of Junagadh. There followed a deadlock, during which the Government of India reinforced their troops in Kathiawar to a total of some 1,400 men, supported by a troop of light tanks and a squadron of fighter aircraft. In addition some 2,000 troops of neighbouring States were concentrated on the Junagadh frontier, and the emigré Government occupied some villages belonging to Junagadh but separated from its main body by the territory of other States. On October 26th the Nawab, after his troops had been involved in a minor clash with Indian troops, fled with his family to Karachi.

The Government of India had already protested to Pakistan against the occupation of Mangrol and Babariawad by Junagadh State troops, and against other forms of pressure said to have been applied to them. On November 1st they announced that, in fulfilment of their obligation to protect territories which had acceded to India, they had taken over the administration of these two areas. A week later came the climax of all the measures taken by India against Junagadh, when the Chief Minister found himself obliged to appeal to the Government of India to take over the State administration in order to save it from complete breakdown. The Government of India readily assented, sending in a battalion of troops. In telegrams to Liaquat Ali Khan explaining what had led to this step, Pandit Nehru assured him that the occupation was only temporary until the wishes of the people could be consulted, and suggested immediate discussions on the whole question between representatives of the Indian and Pakistan Governments.

Short of the unthinkable alternative of war, there was nothing the Government of Pakistan could do except protest. This they did forthwith, taking their stand on the strict legal position. Since Junagadh had acceded to Pakistan, they argued, neither the Ruler nor the Chief Minister was entitled to negotiate any settlement, temporary or permanent, with India, and the taking over of the

administration constituted a violation of Pakistan territory and a breach of international law. Until the Indian troops were withdrawn and the administration restored to the Nawab, nothing could be gained by holding a conference as suggested by Pandit Nehru.

From that time forward Junagadh has been to all intents and purposes a part of India. This situation, established by force, was legalised in terms of Congress political philosophy in February 1948, when a plebiscite resulted in an almost unanimous verdict for accession to the Indian Dominion.

In Hyderabad the communal position was the same as in Junagadh, only on a very much larger scale. Over 80 per cent of the population were Hindus; but the Nizam was a Muslim and he was surrounded by a ruling class of his own faith, whose members were predominant in the army, police and administration. For him to accede to Pakistan was, however, not practical politics. Though immensely larger than Junagadh, Hyderabad had no outlet to the sea, but was completely surrounded by Provinces in which Hinduism and Congress reigned supreme. These considerations also weighed heavily against a declaration of independence, however attractive this might be in other respects. The only remaining course open to the Nizam was accession to India. But this, he must have felt, would mean capitulation, not only to the Hindu Government of India but also to the Hindu majority of his subjects, whose leaders were agitating for this course under the Congress banner. Moreover it would be bitterly opposed by the Ittehad-ul-Muslimin, the Muslim party in Hyderabad which was fanatically loyal to him and to the principle of Muslim supremacy which he represented. The Ittehad insisted that Hyderabad must remain independent, and so in June when, as already mentioned, the Nizam declared that on August 15th Hyderabad would become an independent sovereign state, he was relying on the support of this small but devoted minority.

Nevertheless his Firman announcing this decision carefully avoided giving it an air of finality. He emphasised that Hyderabad had affinities and common interests with both the new Dominions, and he did not want to take sides with either. In the

changing and unsettled conditions prevailing in India, he felt that it was in the interests of his subjects to adopt a wait and see policy, and to concentrate for the present on maintaining communal harmony and preserving peace and security. However, some basis would have to be found for conducting Hyderabad's relations with the Government of India after August 15th, and for this purpose the Nizam despatched to New Delhi a Negotiating Committee, whose principal members were the Nawab of Chhatari, his Chief Minister, and Sir Walter Monckton, his Constitutional Adviser.

The Nizam seems to have been willing to give up to the Central Government most of the powers implied in the instrument of accession, though he wished to do so by means, not of an instrument, but of a Treaty negotiated as between equals. He was prepared to entrust the communications system of his State to the control of the Indian Dominion, to contribute to her defence, and to conduct Hyderabad's external affairs in general conformity with her foreign policy. On the other hand, he insisted that Hyderabad must remain neutral in any quarrel between India and Pakistan, and must reserve the right to appoint her own representatives in the United Kingdom and elsewhere; and that, if either party to the proposed Treaty should decide in the future to leave the Commonwealth, the other party must be free to review its provisions. In public and in private he constantly stressed his desire that the ties binding Hyderabad to Britain should not be severed.

The Government of India, for their part, feared that if they gave preferential treatment to Hyderabad, other States would demand similar concessions; and they insisted that before any negotiations could be undertaken the Nizam must first agree on the general issue of accession to India. The resultant deadlock had not been resolved by August 15th, when the Muslims of Hyderabad enthusiastically celebrated her assumption of independence and their press referred to the Nizam as 'His Majesty'. The negotiations in New Delhi continued, but the situation became no more propitious for a settlement. On the

contrary, the undeclared war in the Punjab made the Government of India more than ever reluctant to show favour to a State which was a potential ally of Pakistan. Meanwhile the State Congress, powerfully supported from across the border, had launched a civil disobedience campaign to press for immediate accession to India and full responsible Government under the aegis of the Nizam. By the end of September some 1,300 Congress leaders were under arrest or detention. The effect of this agitation was to harden Muslim opinion against accession, and the Ittehad brought all its powerful influence to bear to prevent the Nizam from conceding anything more. The Nawab of Chhatari and Sir Walter Monckton could do nothing but make fruitless journeys to and from New Delhi; more than once they tendered their resignations, only to find that the Nizam refused to accept them.

To fill the vacuum which would otherwise have supervened after August 15th, a standstill agreement had been concluded with a life of two months. In the middle of October, therefore, it became extremely urgent to devise something to take its place. Lord Mountbatten himself had taken charge of the negotiations on the Indian side, and on October 21st it seemed that he and the Hyderabad Committee had succeeded in working out an arrangement which would at least prevent a complete breakdown in relations and afford a breathing space. The existing standstill agreement was to be extended for a year. This continued all agreements and administrative arrangements on matters of common concern, including foreign affairs, defence and communications, which had previously existed between the Crown Representative and Hyderabad, save only the Paramountcy functions. During that period, it was stipulated, no rights would be either lost or gained. Hyderabad would not open diplomatic relations with any country, but might appoint trade commissioners whose activities would be completely co-ordinated with those of the representatives of the Indian Dominion. The Nizam would be expected to supply troops for the internal security of India, but in the event of war they would be used only with his permission.

An arrangement on this basis, without compromising the Nizam's pretension to independence, gave the Government of India most of the solid advantages they would have derived from Hyderabad's immediate accession. Moreover, it seemed to offer a good prospect that during the coming year, which was bound to be a critical one, the chief danger spot in south India would be relatively quiet. Hyderabad might also expect that Congress would call off its civil disobedience movement. However, the agreement was subject to ratification by the Nizam and when the Committee, back in Hyderabad, seemed about to obtain this, there came the news of the Hindu Maharaja of Kashmir's accession to India and the immediate despatch of Sikh troops to his capital.[1] Large crowds of Muslims assembled outside the Nawab of Chhatari's house demonstrating against Hyderabad's accession to India in any form. Simultaneously the Working Committee of the Ittehad declared that it would launch 'direct action' if Hyderabad entered into any relationship with the Indian Union which would not ensure complete independence. In face of this pressure the Nizam gave way, refused to ratify the agreement, and issued a communiqué saying that Hyderabad did not contemplate joining the Indian Union. The Nawab and Sir Walter Monckton resigned, this time finally; and the Nizam appointed a new Negotiating Committee which included a representative of the Ittehad.

Negotiations were resumed, but for some time the situation seemed extremely unpropitious for agreement. The new Hyderabad Committee could only reiterate the Nizam's original terms, while Lord Mountbatten stood by the terms of the draft standstill agreement which he had so recently negotiated with their predecessors. Meanwhile Sardar Patel, in public speeches, was pointing to the fate of Junagadh as an object lesson to the Nizam, and denouncing his virtual subjection to the Ittehad. However, Lord Mountbatten's greater firmness and experience outclassed his opponents, and on November 25th it was announced that the negotiations had borne fruit in a standstill agreement with a life of one year.

[1] See below, pp. 247–8.

The Nizam hardly hesitated before putting his signature to this, though its terms were exactly the same as those of the draft he had refused to ratify a month earlier. But in his covering letter to Lord Mountbatten he took care to point out that by this action he was 'in no way permanently prejudicing my rights as an independent sovereign'. He hoped that if during the ensuing year the agreement was worked with goodwill on both sides, the parties would be more likely at the end of that period to reach a satisfactory agreement on the nature of their long-term association. In his reply, Lord Mountbatten was more specific. 'Placed as Hyderabad is,' he wrote, 'its interests are inextricably bound up with those of India; and my Government hope that before the present agreement expires, it will be possible for Hyderabad to accede to the Dominion of India.'

In fact, of course, the closer association of Hyderabad with India was achieved, not as the outcome of negotiation, but by armed invasion in September 1948, over two months before the standstill agreement was due to expire.

When, apropos of Junagadh, the Pakistan Government said they were willing 'to discuss conditions and circumstances wherein a plebiscite should be taken by *any* State or States', they were certainly thinking of Kashmir which, with its Hindu Maharaja and 77 per cent Muslim population, presented an example of the Junagadh—and Hyderabad—situation in reverse. However, the geographical compulsions, which were eventually to drive Junagadh and Hyderabad into the orbit of India, were less clearly indicated in the case of Kashmir, which had common frontiers with both Pakistan and India. But she had a longer frontier with Pakistan, the only all-weather roads running through the Himalayan barrier to the south and south-west debouched into Pakistan territory, and it was by these routes that she received essential supplies, especially of petrol, kerosene and salt. With India, on the other hand, she was linked by a fair-weather road only. Lastly, her territory included the catchment areas of West Pakistan's all-important rivers.

It could not be assumed out of hand that, because so large a

proportion of her people were Muslims, a majority favoured union with Pakistan. There was indeed a party in the State, the Muslim Conference, which had close ties with the All-India Muslim League. But the dominant figure in Kashmir politics—or at any rate in those of Srinagar, the capital, and the surrounding Vale of Kashmir—was Sheikh Abdullah, the President of the National Conference party, which had equally close ties with Congress and emphasised communal harmony. In June 1946 he had been imprisoned for leading the 'Quit Kashmir' movement, which demanded the Maharaja's abdication: Pandit Nehru's impetuous irruption into the State at the time of his trial has already been recorded. In August 1947 he was still in jail, and the State was governed, with only the barest pretence of popular representation, by the Maharaja and his Hindu officials and mainly Hindu troops.

The lapse of Paramountcy presented the Maharaja with a problem similar to those which confronted the Nawab and the Nizam. Accession to one Dominion—in this case Pakistan—would outrage the governing minority, as well as amounting virtually to his own abdication: accession to the other would in large measure run counter to Kashmir's natural affinities, religious, geographical and economic; while complete independence was unlikely to be practicable, seeing how dependent the State was upon outside supplies. Nevertheless, some decision was urgently needed. When Lord Mountbatten visited Kashmir in June 1947 he pressed the Maharaja not to declare his independence but to accede to one Dominion or the other according to the wishes of his people. The Indian States Department, he added, was prepared to give an assurance that the Government of India would not regard Kashmir's accession to Pakistan as an unfriendly act. The Maharaja, however, could not make up his mind, though he concluded a standstill agreement with Pakistan in order to ensure the continuance of communications and supplies. He was about to discuss a similar arrangement with India when events took charge of the situation.

It is difficult to say what happened in Kashmir during the

weeks which followed August 15th, as the chaos in the Punjab largely cut her off from the south. Rumours, however, were prolific. It is certain that early in September State troops were suppressing insurgents in Poonch, the Maharaja's feudatory south-west of Kashmir proper; but one report said that the trouble was due to food shortages and rising prices, the Pakistan press represented that Muslims were being punished for demonstrating in favour of union with Pakistan, and the Kashmir Government ascribed the disturbances to incursions of tribesmen from across the border. At the end of the month it was rumoured that the Maharaja had decided to accede to India. This was denied by the Kashmir Government, but the unconditional release of Sheikh Abdullah and other political prisoners seemed to indicate that the Maharaja wished to come to terms with the Congressmen who now governed the Indian Dominion. Then, at the beginning of October, it became clear that the trouble in the south-west was on a serious scale. Members of the Muslim Conference set up a 'Provisional Republican Government' there. Pathan tribesmen—to the number of nearly 4,000, according to one report—were invading the State. But news was scarce and suspect, not only owing to Punjab disturbances, Kashmir censorship and Pakistan propaganda but also because, in spite of the standstill agreement, Pakistan had cut off supplies and communications with Kashmir, whose only contact with either Dominion was now by air. However, this in itself indicated that a campaign was beginning, aimed at coercing Kashmir into acceding to Pakistan; and in fact this course seems to have been formally demanded by the Pakistan Government, which now engaged in a violent battle of words with the Government of Kashmir.

On October 13th they sent a strong protest to Kashmir, alleging that soldiers of the Pakistan army, who had been on leave to their homes in Poonch, had reported that Muslim villages there were being attacked by armed bands, including State troops. On October 18th the Premier of Kashmir telegraphed to Jinnah and Liaquat Ali Khan complaining of unfriendly acts—including propaganda in the Pakistan press and radio, the hold-up of

supplies, and interference with the postal system—which, he was bound to conclude, were being perpetrated with the knowledge and connivance of the Pakistan authorities. He alleged that 'people armed with modern long range firearms have infiltrated in thousands into Poonch and committed horrors on non-Muslims'. The telegram ended with the significant intimation that, if the Pakistan Government did not put a stop to all these 'iniquities', the Kashmir Government would ask for 'friendly assistance'. To this Liaquat Ali Khan replied 'Your only object in securing intervention by an outside power would be to complete the process of suppressing Muslims, as a coup d'état against the well-known and declared will of Muslims and others who form 85 per cent of the population of your State'.

All this was no more than a prelude. On or about October 22nd a force of some 2,000, mainly Pathan tribesmen, crossed the western border of Kashmir. They travelled in lorries amply supplied with petrol, and were well armed with rifles, Bren guns, mortars and some field artillery. Evidently they had received help from some officials of the North-West Frontier Province, where a Muslim League Government, led by a Leaguer of extreme views, had now replaced Dr. Khan Sahib's Congress Ministry. Moreover they were said to be accompanied by members of the Pakistan army—whether serving soldiers or deserters—in civilian dress; and it was soon evident that they had the moral support of the authorities, press and public of Pakistan. Soon they were joined by Kashmiri villagers, who had been roused by Muslim League propaganda, and by Muslim deserters from the State forces. The invaders rapidly made headway against the Kashmir army, which had been widely deployed in maintaining order, and pushed on towards Srinagar, burning, looting and murdering as they went.

This was the grave emergency which forced the Maharaja to decisive action. On October 24th, the Kashmir Government offered to accede to the Government of India, to whom they appealed for military help. Two days later the Maharaja wrote to Lord Mountbatten asking for immediate assistance against the

invasion which, he alleged, could not have taken place without the knowledge and connivance of the Provincial Government of the North-West Frontier Province and the Government of Pakistan. He recognised that he would be unable to obtain the help asked for unless his State acceded to the Dominion of India, which would thereupon become responsible for its defence. He therefore offered an instrument of accession to the Government of India. He also announced that he was at once setting up an interim Government with Sheikh Abdullah at its head. He himself fled to Jammu, the southern Province of his State which marched with the East Punjab and had a predominantly Hindu and Sikh population.

The next day Lord Mountbatten replied that his Government had decided to accept Kashmir's accession subject, however, to a reference to the people when law and order had been restored. Meanwhile, in response to the Maharaja's appeal for military aid, he told him that Indian troops were being sent to Kashmir to help his forces to defend his territory and 'to protect the lives, property and honour' of his people. This last phrase was to cause great indignation in Pakistan. The troops which were being flown to Srinagar consisted of a battalion of Sikhs; and recent events in the Punjab suggested that these were hardly the best protectors who could have been chosen for a mainly Muslim population. In fact, however, the people of Srinagar were to have every reason for gratitude to these Sikhs, who were to save them and their property from the looting, burning and massacre without discrimination of creed which had befallen the towns which the tribesmen had overrun.

During the hurried negotiations with the Maharaja, Pandit Nehru had been in communication with Liaquat Ali Khan, and on October 28th he asked him by telegram to co-operate in stopping the raiders from entering Kashmir territory from Pakistan. He assured him that the action the Government of India had taken had been forced upon them by circumstances and the imminent and grave danger to Srinagar; that they had no desire to intervene in the affairs of Kashmir once the raiders had been driven away

and law and order established; and that accession was subject to reference to the people of the State, the Government of India having no wish to impose any decision upon them. He invited Liaquat Ali Khan to discuss the whole question when he came to Delhi for a meeting of the Joint Defence Council on October 30th.

Jinnah's first reaction to the news that Indian troops had been sent to Kashmir was to order a counter-invasion by the Pakistan army. However, General Gracey, the acting Pakistan Commander in-Chief, insisted upon referring the order to Field-Marshal Auchinleck, the Supreme Commander, who, now that Lord Mountbatten was Governor-General of the Indian Dominion, was the sole remaining British authority who could advise the two Governments in an impartial capacity. Lord Auchinleck at once flew to Lahore and pointed out to Jinnah that in view of Kashmir's accession to India, the despatch of Pakistan troops to the State would amount to an act of war against the neighbouring Dominion. Moreover, inasmuch as he still retained control of all British officers serving in the armed forces of both India and Pakistan, he was able to give the warning that if the two Dominions came to blows all these officers, including the two Commanders-in-Chief, would immediately resign. Jinnah was evidently impressed by this argument since, instead of proceeding with the despatch of troops to Kashmir, he invited Lord Mountbatten and Pandit Nehru to Lahore in order to discuss the Kashmir problem with himself and Liaquat Ali Khan.

It was remarked in the preceding chapter that the leaders of Pakistan were at this time suffering from a strong sense of being surrounded by enemies who were plotting their destruction. This feeling was greatly intensified by Kashmir's accession to India and the presence there of Indian troops. The Indian Dominion now enclosed Pakistan not only to the east, but potentially to the north as well; Pakistan's ties with Afghanistan based on common religion seemed likely to be counteracted by rivalry for control of the tribal areas; so it is not surprising if she felt menaced with virtual encirclement. This attitude was

reflected in the uncompromising tone of a communiqué of October 30th, which gave the first official reaction of the Pakistan Government to Kashmir's accession to India. It detailed a number of attempts they claimed to have made to reach a better understanding with Kashmir, and alleged that all these had been ignored or rejected. They drew the conclusion that the Kashmir Government had never had any intention of maintaining friendly relations with Pakistan, had some time back decided to accede to India, and had only been waiting for an excuse to do so. The communiqué went on to accuse Kashmir troops of attacking Muslims in Jammu and even on the Pakistan side of the frontier, and to allege that it was these atrocities, added to those in East Punjab and Poonch, that had provoked the Pathan raid. The tribesmen, it argued, could not have been stopped unless the Government of Pakistan by the use of troops had been prepared to create a situation in the North-West Frontier Province which might have had incalculable results on the peace of the border. 'In the opinion of the Government of Pakistan,' the communiqué ended, 'the accession of Kashmir is based on fraud and violence and as such cannot be recognised'.

It was rumoured that resentment at this piece of outspokenness prevented Pandit Nehru from attending the Lahore Conference, which had already been postponed owing to his illness. In the event, what took place at Lahore was a long but inconclusive discussion between Lord Mountbatten and Jinnah. Apparently Jinnah proposed an immediate cease fire and the simultaneous withdrawal of the Indian forces and tribesmen from Kashmir territory. He denied that the Pakistan Government had any control over the Provisional Government or the tribesmen, but undertook to warn them in the clearest terms that if they did not obey the order to cease fire immediately the forces of both Dominions would make war on them. When the armed forces on both sides had withdrawn the two Governor-Generals would take over the administration and arrange a plebiscite without delay under joint control and supervision. Lord Mountbatten rejected this last suggestion as inconsistent with his own position

as constitutional Governor-General acting on advice. Instead he proposed a plebiscite under the auspices of the United Nations, but Jinnah was suspicious of this solution if it meant that Indian troops would remain in Kashmir while the plebiscite was being held.

Meanwhile Pandit Nehru, in a broadcast from New Delhi, retorted to the accusation that Kashmir's accession was based on fraud by describing the Pakistan Government as 'using language which is not the language of governments or even of responsible people'. He went on to give his own version of recent events in Kashmir, and to suggest that the Pakistan Government were either too weak to prevent the well-armed and well-organised invaders from crossing the Frontier Province and the West Punjab, or else willing that they should do so. His own Government, he asserted, were pledged to protect the people of Kashmir; but they were prepared, once peace and law and order were established, to have a referendum under international auspices like the United Nations.

Liaquat Ali Khan broadcast a bitter reply. The people of Kashmir, he said, had been caught in the meshes of a widespread plan for the extermination of Muslims, a plan which had been successful in a number of States which had acceded to India. It was presumably after such extermination that the Government of India proposed to hold a referendum; but what use would this be after the voters had been driven away from their homes or silenced in death? Pandit Nehru had spoken of the people of Kashmir as struggling under popular leadership against the invader; in Liaquat Ali Khan's eyes it was the other side which had the support of the people, in revolt against their slavery under an alien ruler supported by an alien power. And while propagandists on both sides thus claimed popular backing, both made use of the Junagadh precedent. Indian newspapers asked why the Pakistan Government should be so indignant when the Maharaja acceded to India without consulting his people, when they had themselves welcomed the Nawab's doing precisely the same thing in relation to Pakistan. On the other side Pakistanis recalled the storm of

protest in India when the Nawab had taken upon himself to decide the future of his State in opposition to the presumed wishes of his subjects, and pointed out that the Government of India were now eager to agree that the Maharaja was justified in doing the same, subject only to a plebiscite under undefined conditions in the indefinite future.

The Indian troops had arrived in Srinagar just in time, for in another few hours the invaders might well have taken the capital and overrun the whole Vale of Kashmir. As it was, their advance was decisively checked, though they penetrated to within six miles of the city, whose defenders they greatly outnumbered. The battalion of Sikhs which had been flown in on October 27th was rapidly and steadily reinforced, the Indian troops were supported by Tempests and Spitfires and from November 7th—when the road from India had put been in repair—by tanks and heavy guns. They were now in a position to take the offensive. The tribesmen, always more interested in loot than in conquest, had largely dispersed when confronted by serious opposition. This allowed the Indian troops to push rapidly westward. Within a fortnight of the arrival of the first airborne battalion the Vale of Kashmir had been almost completely cleared of the raiders, and these were now in retreat some fifty miles down the road leading westward to Pakistan.

Meanwhile in Srinagar Sheikh Abdullah had contrived to maintain a remarkable degree of order and discipline. Aided by a host of enthusiastic volunteers he had improvised an administration, a police force and a militia, which together largely overcame the manifold difficulties of the situation. Even when the threat to Srinagar was at its height, the life of the city went on as usual, shops were open and supplies maintained. Members of the Hindu and Sikh minorities co-operated in running the government, and communal strife was conspicuous by its absence. On November 11th Pandit Nehru visited the capital and was given a tumultuous welcome. The Maharaja, who flew from Jammu to meet him, was received without either popular demonstration or official ceremony; and it was very noticeable that when he and

Pandit Nehru appeared together he was made to take second place.

The Indian advance westward from the Vale of Kashmir was soon held up by mountainous country, where the retreating raiders had cut the few communications by putting up road blocks and burning bridges. Henceforth the military operations were to enter a new phase. On the 'Free Kashmir' side the undisciplined and predatory tribesmen were no longer to be the predominant element. Indeed the Government of the North-West Frontier Province now protested that they were trying to prevent them from crossing into Kashmir territory and to persuade those already there to return—though they did not pretend that they had effective control either over the tribes themselves or over the whole belt of territory through which they must pass. The Pakistan Government likewise denied that any serving officers or troops of their army were fighting in Kashmir, or that they had supplied the insurgents with arms or ammunition; and this disclaimer was categorically endorsed by General Messervy, the Commander-in-Chief of the Pakistan army. However, they confessed that they could not prevent Pakistani volunteers from crossing the frontier into Kashmir, and some of these might have military training and arms. At all events the 'Free Kashmir' forces now increasingly wore the character of a trained and disciplined army which could hold its own against the Indian regular troops. In the south-west of the State, around Poonch, where they were supported by the local population, they had a firm hold. Soon they were turning over to the offensive, and small raids eastward into the southern areas of Jammu were developing into serious assaults against the scattered Indian forces and their long and precarious supply lines. The immensely difficult country, with scarcely any roads better than tracks, was unsuitable for armoured cars or artillery, and favoured guerilla tactics. But the 'Free Kashmir' forces were also capable of launching large scale attacks and fighting pitched battles; estimated at some 10,000 strong, they outnumbered the troops which India could afford to send to Kashmir. By the end of the year the

military situation had reached a stalemate; the passes were blocked by snow, the Indian Army held the Vale of Kashmir and the larger towns to the south and west, while the 'Free Kashmir' forces were in virtual possession of much of the intervening countryside.

After the discussion between Lord Mountbatten and Jinnah on November 1st, some weeks passed with scarcely any personal consultation between the leaders of the two Dominions. On November 16th Liaquat Ali Khan issued a statement proposing that the whole Kashmir dispute should be 'brought before the bar of international opinion, and that the United Nations should be asked immediately to appoint representatives' to put a stop to the fighting. Thereafter these representatives should arrange a programme for the withdrawal of 'outside forces', set up an impartial administration until the plebiscite was held, and undertake the plebiscite itself.

The Government of India likewise were willing to accept the principle of a plebiscite under United Nations supervision. Where they differed from the Government of Pakistan was over the proposal, which Jinnah had made to Lord Mountbatten on November 1st, that the Indian troops should be withdrawn from Kashmir forthwith, while Pakistan would do her utmost to persuade the raiders to withdraw simultaneously. This implied that, so far as the withdrawal was concerned, the two opposing forces could be regarded as on the same footing, a proposition which the Government of India indignantly repudiated. The Indian troops, they asserted, were in Kashmir for the protection of the people and must remain there until the marauders were expelled. If the Pakistan Government had it in their power to secure the withdrawal of the raiders they should act at once, though this would lend colour to the charge that they had instigated the original invasion. If on the other hand they proved unable to do so while on the other side the Indian troops departed, Kashmir would be left to the mercy of uncivilised tribesmen. Meanwhile Pandit Nehru expressed the common Indian belief when he told the Indian Parliament on November 25th that the Kashmir raids had been 'carefully planned and well organised by

the Pakistan authorities with the deliberate object of seizing the State by force, and then declaring its accession to Pakistan'. Denials that the 'Free Kashmir' forces were being supported by the Pakistan Government were received with the utmost scepticism, and Sheikh Abdullah went so far as to allege that it was the Pakistan army which was fighting in Kashmir.

In this situation it is hardly surprising that when in December Pandit Nehru and Liaquat Ali Khan at last met to discuss the problem they failed to reach a settlement. Liaquat Ali Khan gave way to the extent of agreeing that, on the general withdrawal of forces, India should be allowed to keep small detachments in Kashmir to maintain order; nor does he seem to have been intransigent on the question of an impartial administration during the period between the withdrawal and the plebiscite. What apparently prevented agreement was Indian suspicion that the 'Free Kashmir' forces were still receiving active help from the most highly placed and influential quarters in Pakistan. If this were so, there could be no hope that the Pakistan Government would strive whole-heartedly to make the withdrawal of troops effective, nor would it be possible to create the necessary conditions for a fair plebiscite.

There had been reports that Pakistan was to bring the dispute before the United Nations, but in the event it was India who did so. On December 22nd Pandit Nehru handed Liaquat Ali Khan a formal note which, though couched in friendly terms, stated that the Government of India were satisfied that the invasion of Kashmir had the backing of Pakistan's arsenals and trained men, who were responsible for the obviously experienced direction of the operations. The note called upon Pakistan to withdraw the tribes and her own personnel immediately, failing which the Government of India would appeal to the Security Council of the United Nations. After waiting until December 30th for Pakistan's reply, the Government of India made it known that they were forthwith referring the dispute to the Security Council under Article 35 of the United Nations Charter. Their submission included the somewhat damaging proviso that they reserved their

freedom of military action according to the requirements of the situation.

Hitherto such negotiations as had taken place over Kashmir had been confined to the parties themselves. There had indeed been considerable correspondence with London. Thus before the Maharaja's accession to India, the Government of Kashmir had appealed to the British Government to take notice of the attitude which Pakistan was adopting; later Pandit Nehru and Jinnah had argued their respective cases in long personal cables to Mr. Attlee. The British Government, however, had shown themselves reluctant to intervene between the two Dominions so soon after divesting themselves of all power to enforce their wishes. Hence Mr. Attlee, while emphasising the urgent need for a settlement, had insisted that this must be reached by the parties themselves, by means of frank consultation at the highest level. The possibilities of this method now seemed to have been exhausted; and so there began the interminable process of international mediation which, though it was before long to achieve a limited success, has up to the time of writing failed to bring the parties to an acceptable solution of the essential problem of Kashmir's future.

So far, there was much to be said in favour of both sides. It is hard to contest that India's initial steps had been unexceptionable. Her troops had saved Srinagar and the country to the east from loot and massacre, and her actions had been defensible on grounds of legal and diplomatic propriety. Pakistan, on the other hand, could urge her vital interests in Kashmir and in its Muslim majority. She could excusably point to the sufferings of the Muslims of Poonch at the hands of the Maharaja's forces as the event which had set off the train of violent action and counter-action. And lastly she could plead that she could not be expected, at the very outset of her existence, effectively to control tribesmen who had provided Britain with a problem which she had never been able satisfactorily to solve, even in the days of her greatest power.

CHAPTER VII

CONCLUSION

THE VAST triangle of territory south of the Himalayan barrier is marked by few or no physical features which history has shown to afford satisfactory natural frontiers. It is in fact a geographical unit, and this has been at the root of many of the troubles of the Indian sub-continent; inasmuch as it demands that for true security there must be a single authority capable of wielding power, or commanding loyalty, over substantially the whole area. Independence and partition forfeited this security, as the subsequent tension between the two new countries has amply proved. More, partition has involved very serious material disadvantages. For, whether or not nature intended this geographical unit to constitute also an economic unit, it is certain that the period of British rule, coinciding as it did with the development of modern communications, did much to weld it together economically. Partition, however, dictated as it was by political considerations, could recognise this only as a matter for regret. If the overworked metaphor of vivisection is anywhere appropriate, it is to describe the effect of partition on the economic life of the former India.

To take a few examples. In some very important instances the new frontiers ruthlessly severed the producer from his accustomed market. The partition of Bengal meant that Pakistan included an area which grew some 85 per cent of the world's raw jute but had no means of milling it; while on the other side of the frontier there were over 100 jute mills as well as Calcutta, the port of export. Similarly, the cotton growers of Western Pakistan, who produced about half the total crop of the subcontinent, were cut off from the mills and markets of the Indian Dominion. The latter was the world's largest producer of tea, but was, and has remained, seriously deficient in foodgrains—of which Pakistan had a surplus

estimated at half a million tons. The fact that some of the important irrigation systems of the West Punjab were fed from waters flowing through the East Punjab was almost at once to give rise to a sustained and bitter controversy. The Indian Dominion was the second biggest producer of coal and iron ore in the Commonwealth, and contributed very large proportions of the world output of manganese and mica. Pakistan had no coal, few mineral resources of any kind, little industry, and a grave shortage of technically trained men.

The partition is thus a very striking example of the triumph of political over economic motives; and the two new countries had either to ensure that their relations were established and maintained on a footing of the utmost friendliness, or else drastically to adapt their economies so as to enable each to get on independently of the other.

Moreover the partition and the whole transfer of authority came at a time of the very greatest difficulty, adding a multitude of problems to those which the country was already facing as a result of war and of postwar dislocation. Prices and the cost of living had more than trebled since 1939. And while the economy of Pakistan, as has been shown and as the future was to prove, stood on the firm foundations afforded by her raw material crops and her surplus of foodgrains, India, despite her size and resources, was suffering from acute shortages of food, cloth and foreign exchange. Industrial labour was restive. Controls were working badly; and Gandhi was pressing the Government to remove them on the ground that the way to fair distribution of this world's goods lies through moral force, not government regulation.

Next, the huge migrations which came so soon after partition meant that the two new Governments were faced with similar tasks of refugee resettlement, immense in scope and of desperate urgency; and the question of evacuee property became a subject for rancorous argument which was to persist for years.

The tension between the two Governments was heightened and prolonged by the disputes over Junagadh, Hyderabad and

Kashmir, until it seemed that the war which partition had been designed to avert was nevertheless unavoidable. And although an uneasy peace was maintained, the next years were amply to fulfil a prophecy which Gandhi had made in July, that the division of India into two Dominions would lead to the formation of two armed camps which would engage in an arms race at the expense of nation-building.

Yet it is hard to resist the conclusion that partition, however difficult and dangerous, was none the less inevitable. At least, if it had not always been so, it was surely the logical outcome of the events of the past forty years. The gradual demission of power by the British opened the way to a struggle for office, influence and authority; and the chief protagonists in the struggle became apparent when the Muslim renaissance, led by such men as Sir Syed Ahmed and Sir Muhammad Iqbal, clashed in full career with the Hindu renaissance inspired by Gandhi. These two movements had a double significance. First, they showed that the traditional cultures of India had had time to formulate their characteristic reactions to Western penetration. Secondly, they served to underline the fact that the Hindu and Muslim communities, though so largely of the same racial origins, had developed different and distinctive characters. The Muslims of India had passed the only really valid test of nationality—they were a nation because they profoundly believed themselves to be one. The best proof of this is the energy, enthusiasm and sense of mission with which the Indian Muslims, particularly those of the younger generation, have tackled the vast difficulties involved in building their new State. Thus has the two-nation theory evolved into the fact of the two nations of India and Pakistan.

To place over against the obvious drawbacks of this consummation, there was a practical advantage or compensation, whose nature has already been indicated and which would have been lacking from any of the other possible solutions. For some years the trend of government and administration in India had been set towards decentralisation and provincial autonomy. The 1935 Act had been implemented in the Provinces but

not at the Centre. This meant that in the Provinces Indian Ministers responsible to the electorate wielded very large powers and enjoyed a considerable volume of support among the politically minded; while the Central Government, directed by unrepresentative Indian Ministers and by officials who in the highest posts were still largely British, had lost much of their authority yet were the target for incessant abuse. This dangerous dissipation of power was intensified by the weakening of the administration which has been described in earlier chapters. Had the Cabinet Mission plan been put into effect, the centrifugal tendency would have been carried to the utmost extent, with the powers of government distributed among largely autonomous Provinces, Groups with varying functions, and the minimal Centre. In the event, partition enabled the course of constitutional development to be reversed and two strong central Governments to be established which would not hesitate to concern themselves with any aspect of Provincial affairs which might in their view call for intervention from above.

In Chapter I it has been argued that the situation at the end of the war was such as to demand that the transfer of power from British to Indian hands should be speedy and complete. The essence of statesmanship is surely to look at any given situation with a fresh and unprejudiced eye, to realise what it demands and act accordingly. Britain can fairly claim, then, that her withdrawal was in itself, and irrespective of the method adopted, an act of statesmanship. In retrospect it may seem that she merely took the obvious course, the line of least resistance. Yet there remain two striking facts. One is that her act of renunciation, however it may have been dictated by the hard facts of her postwar weakness, is one for which history affords no close precedent or analogy. The other is that the results which have followed from the pursuit of other policies by other European powers in their dealings with their Asian territories during recent years have been unfortunate for all concerned.

In the opening paragraph of this book three phases in the reaction of the Asiatic peoples to Western expansion were

broadly distinguished. It was also implied that the story which was to be told concerned the second phase, since those to whom Britain handed over power were members of the educated middle class. If she had not acted so promptly, and if she had in consequence become involved in a war against the forces of nationalism, the outcome might well have been a rapid transition to the third phase. In other words, the victor in the struggle might have been neither of the ostensible protagonists, but the coalition of educated fanaticism and uneducated discontent which is comprehensively designated Communism. As it was, however, the new Governments of India and Pakistan were composed of men whose political philosophy had much in common with the liberal and social democracy of the West. British policy had therefore ensured that the leaders of the two new States should be men who would talk to her in her own political language; but who, on the other hand, would be able to meet the formidable challenge of Communism in Asia in a way in which she herself could never have done. For no alien government, especially a government encumbered with all the multifarious commitments bequeathed them by their ancestors who had settled the country for the East India Company, could undertake the drastic reforms in land tenure and social custom which were required now that circumstances, ideas and feelings had changed with the times.

Britain can also claim credit for the near miracle whereby the achievement of independence by India and Pakistan was effected without their departure from the Commonwealth. The very real short-term advantages which this brought have been described in Chapter V. It enabled the transfer of power to be carried through without a sharp break in constitutional and legal continuity, and it rendered unnecessary the negotiation of treaties between Britain and the two new States. The fact of their Dominion status, even if this were regarded as no more than an ingenious temporary expedient, proclaimed to the world that these momentous changes were being effected with a measure of goodwill on both sides, and not in conflict and bitterness. But time has shown that

the Commonwealth membership of India and Pakistan is more than a constitutional device with a significance limited to the immediate situation. It is rather a phenomenon whose importance is unquestionably immense, though difficult to describe or assess. The decision to remain in the Commonwealth was taken in face of much strong nationalist feeling; apart from memories of past antagonism and suffering, there was on the right the emphasis on religious and cultural particularism, and on the left the hatred of imperialism and all that is implied in that emotive abstraction. It was easy to point to certain solid benefits, strategic, economic and other, and to say that these were what India and Pakistan derived from their continuing association with the other Commonwealth countries, and especially with the United Kingdom; but against this it could equally well be argued that these benefits would have been available even without Commonwealth membership on a basis of mutual self-interest which might be formalised and consecrated by treaty.

So far as the new India was concerned, the strength of the factors making for hesitancy was shown at the Prime Ministers' and Foreign Ministers' Conferences of October 1948 and April 1949, which were faced with the task of reconciling her continued membership of the Commonwealth with her insistence on the status of an independent sovereign republic. That a formula was in fact evolved to reconcile these apparent incompatibles shows the vitality and adaptibility of the Commonwealth conception. But it is also proof that the new rulers of India—like those of Pakistan—realised the vast importance of maintaining and strengthening to the utmost all ties of goodwill which bound them to the West; and that they appreciated the disasters which would be likely to follow the severance of friendly relations. It showed that they were prepared to put behind them the resentment they had felt against Britain during their struggle against her rule, and to continue the tradition of working with Britain which, whatever the cynics might say, existed in defence, administration, trade and industry. The Hindu and Muslim renaissances, like the great tidal wave of Asian nationalism of which

they formed part, were at least implicitly directed against the West. Yet here were two Governments, among the first successful products of the movement, giving an earnest of their intention to influence, so far as they were able, these immensely powerful forces—so recently become a major factor in world politics—not in opposition to the West but in the cause of international co-operation.

It is in detail rather than in principle that British policy is open to criticism. No doubt tactical errors were committed in the long and involved negotiations surrounding the Cabinet Mission plan; but the gravest charges against the handling of affairs on the British side all relate to the subsequent phases in the process of transfer. First, the Statement of February 20th was surely misconceived, in that it assumed that the British could profitably name a date for handing over power without taking the responsibility of determining, or making provision for Indians themselves to determine, the successor authorities. The consequences of this procedure have been described at length. It led to a hardening of communal claims, opened a new phase in the violent clash of communities, and generally intensified the prevailing uncertainty and uneasiness. And in less than four months it had to be replaced by a new declaration of policy which did not shirk the unpalatable task of designating the machinery whereby the political future of India was to be decided.

Secondly, Britain can certainly not escape a large share of blame for the ghastly tragedy which occurred in north-west India so soon after August 15th. There is much that can be pleaded in her defence, or in extenuation. Lord Mountbatten himself, when on a visit to London in November 1947, pointed out that in all the trouble spots in India not more than ten or twelve million people, or some three per cent of the population, could have been in any way involved; and that the remaining ninety-seven per cent were living in peace and quietness. It may also be argued that what in fact took place was far less catastrophic than the probable alternative, an Indian war of independence against Britain. The transfer of power from British to Indian hands, it can be urged, was in any event a revolutionary change of such

dimensions that it must inevitably have been attended by a degree of disorder and bloodshed; and the two new States have on the whole shown a stability, and a capacity for self-government, which have completely falsified the gloomy forecasts of anarchy and civil war engulfing the whole sub-continent. The fact remains that the massacres and migrations were a major tragedy in themselves and left a disastrous legacy of bitterness and mistrust. Could they have been avoided?

The answer seems to depend upon whether it would have been practicable for Britain, while withdrawing entirely from what would have been by far the greater part of the sub-continent, to have insisted upon retaining in the Punjab—and, if necessary, in certain other areas as well—a body of British officials, troops and police sufficiently strong to enforce law and order and the essentials of administration until the processes of partition had been farther advanced and effective Governments established on both sides of the dividing line. In particular, time would have been gained in which to negotiate political arrangements, such as Sir Cyril Radcliffe's report suggested, for the control of services and resources lying astride the new frontiers. The date for the general transfer of power had been brought forward so far and so fast that Lord Mountbatten might have found it possible to persuade the Partition Council to accept this vital modification.

Yet against this can be urged the very formidable problems of responsibility and administration which such an expedient would have raised. It would have been contrary to the policy of entrusting the interim Government and Partition Council with the maximum authority—and nowhere did this apply with greater force than in the planning of arrangements for governing the country after August 15th. Such a departure from policy would have been made even more difficult by the vigorous opposition it would almost certainly have received from the future rulers of the Indian Dominion, if not from those of Pakistan as well. The relations between the British nucleus and the successor governments would have been difficult to define in advance, even more so to operate in practice. The lack of support

which the Punjab Boundary Force was to receive from the authorities, press and public on both sides suggests that a wholly British force, not under the control of either of the new Governments, would have had to work in an atmosphere of hostility and mistrust which would have hampered effective action at every turn. Even though, as Pandit Nehru was soon to admit, the Indian leaders at first under-estimated the seriousness of the Punjab upheaval, it was only to be expected that they should have faith in their own capacity to deal with the situation; and it is asking a great deal of human nature to suppose that, when about to assume full power for the first time, they would readily have confessed that, even in a limited area, they would be unable to preserve law and order. Similarly, if it be contended that the Partition Council should have planned beforehand for a systematic and orderly transfer of population, the answer is that this would have been in their eyes a counsel of despair; for it would have amounted to an official acknowledgment of the postulate—which neither side admitted—that each community must necessarily fear the other and that minorities could not hope to live in safety.

When all is said, however, it is difficult to resist the conclusion that the British Government and Lord Mountbatten should have insisted to the utmost of their power that the two new Governments must accept a modicum of British control in the areas of worst danger until these had had time to adapt themselves to the new conditions of life. As it was, the Indian leaders' invitation to Lord Mountbatten to become chairman of the Emergency Committee proves their willingness, once the scale of the disaster had become evident, to accept advice and a measure of direction from a member of the former ruling race. It is unquestionable that Lord Mountbatten, Field Marshal Auchinleck, Lord Ismay and a few other Britons in key positions contributed immensely to keep the peace between India and Pakistan during the crucial first months of their independent life. It seems to follow that if this nucleus of British good will had been larger it could, while concentrating its influence and authority on the worst trouble spots, have substantially lessened the bloodshed and misery.

Thirdly and lastly, the fact that British Paramountcy was withdrawn before the process of integrating the States into the new political structure had been completed was to lead the two Dominions into disputes, recriminations, nearly to war. Here the gravamen of the charge against British policy is that it failed to prevent the culminating dispute over Kashmir. The Junagadh affair was in itself of small importance for, except as a diplomatic pawn in the struggle for Kashmir, Junagadh was more of a liability than an asset to Pakistan. As for Hyderabad, India's final coup was a forcible taking of the law into her own hands which is difficult to justify; yet though her methods were reprehensible the result was inevitable, for Hyderabad, with her vast Hindu majority, was destined from the outset to be absorbed by her Hindu neighbour in one way or another. On the other hand, the failure to overcome the hesitancy of the Maharaja of Kashmir and and thus settle the future of his State before August 15th was to lead to evils whose gravity and dangerous potentialities need no emphasis.

The transfer of British power to India and Pakistan is still too recent an event for the historian to be able to pass anything like a definitive judgment upon it. He can be certain only that it was an event of the greatest moment. For on August 15th, 1947 more than one-fifth of the world's population achieved national independence and all that this entails; two huge countries were added to the circle of powers which this century had seen rising up around the confines of Europe, dwarfing her and with her the Powers which dominated the nineteenth century; and the self-governing nations of the British Commonwealth were transformed from an association of white peoples, predominantly of British stock, into one in which the four older Dominions, with a total white population of less than thirty million, face two new members whose combined population numbers some four hundred million. And this transformation in the racial character of the Commonwealth opened the way for changes in its whole conception and purpose which are still only in embryo.

INDIA: PRINCIPAL COMMUNITIES, 1941

(Figures are given in thousands)

Province	Hindus other than Scheduled Castes	Scheduled Castes	Muslims	Christians	Sikhs	Total
Madras	34,731	8068	3896	2047	0.4	49,342
Bombay	14,700	1855	1920	375	8	20,850
Bengal	17,680	7379	33,005	166	16	60,307
United Provinces	34,095	11,717	8416	160	232	55,021
Punjab	6302	1249	16,217	505	3757	28,419
Bihar	22,174	4340	4716	35	13	36,340
Central Provinces	9881	3051	784	59	15	16,814
Assam	3537	676	3442	41	3.5	10,205
North-West Frontier Province	180	—	2789	11	58	3038
Orissa	5595	1238	146	28	0.2	8729
Sind	1038	192	3208	20	31	4535
Total, British India	150,890	39,921	79,399	3482	4165	295,809
States etc.	55,227	8892	12,660	2834	1526	93,189
Total, India	206,117	48,813	92,058	6317	5691	388,998

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